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MANUAL FOR ELIGIBILITY OFFICERS

INTERNATIONAL REFUGEE ORGANIZATION

INTERNATIONALER
SUCHDIENST
3548 AROLEN (Waldeck)



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ITS
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CHAPTER I

INTRODUCTION

A. GENERAL

1. The intergovernmental bodies previously dealing with refugees were the League of Nations, particularly through its High Commissioners, the Intergovernmental Committee on Refugees and the United Nations Relief and Rehabilitation Administration. The International Refugee Organization (and previously its Preparatory Commission) continues the work formerly undertaken by those bodies, insofar as such work is in accordance with the mandate of the IRO as defined in the constitution.

2. Intergovernmental work on behalf of refugees over the past four years has been in its broad outline very similar to the intergovernmental work of the six years after 1919. Although previous events, particularly concerning Armenians in Turkey, had given rise to a considerable refugee problem, it was the exodus from Russia beginning in 1919 which caused the League of Nations to recognize that the problem of refugees could only be solved by international action. In 1921, the Council of the League of Nations appointed Fridtjof Nansen as High Commissioner. The work for refugees passed through a first critical stage during which life-saving measures were most important. The work progressed to a second stage during which the refugees were evacuated from the countries which had offered them temporary hospitality. By 1928, the second phase was more or less completed and the work entered on its third phase which consisted of the integration of the refugees into the life and economy of the several countries which had received them as immigrants. The process of integration was assisted by the establishment in many countries of procedures deriving from international Conventions and Agreements under which both governments and refugees were able to obtain some mitigation of the disabilities caused by the legal anomaly of statelessness, disabilities only completely overcome by the acquisition of a new citizenship.

3. Those three phases of work were not separated in time, for example, as early as 1922 an arrangement for the issue of Nansen Passports was adopted by 53 governments. Similarly the work of the past four years contains elements referring to logically different phases. For example, at the time when the work of the Armies and of UNRRA in maintaining refugees was not yet fully developed, in 1946 the Intergovernmental Committee on Refugees (whose director, Sir Herbert Emerson, was the last successor of Dr. Nansen as League of Nations High Commissioner) opened negotiations for resettlement in most of the countries to which refugees are now going and sixteen governments signed an agreement for the issue of travel documents for *de facto* stateless persons who were the concern of the Intergovernmental Committee on Refugees and are now the concern of IRO¹.

4. The three main facets of IRO's work correspond to the three main phases of international activity for refugees. They are the temporary relief action of care and maintenance, the movement on repatriation or resettlement and (so far as resettlement is

¹ It should be noted that travel documents issued under that Agreement (of 15 October, 1946) are not limited in function merely to assist emigration and resettlement. They are an attempted substitute for national passports and may be used for all forms of travel.

concerned) the full re-establishment whose object is the acquisition of citizenship and whose means imply some appropriate form of protection in place of the reciprocal arrangements normally existing between governments for the protection of aliens.

5. Thus, when the question arises of determining in the case of an applicant whether or not he is within the mandate of the Organisation, it is not the whole point to discover whether or not he needs assistance to maintain himself, or whether or not he is a suitable person to be recommended as a refugee immigrant to some country or other. The attitude of IRO to an individual refugee is related to its whole task, not merely one part of it, as well as to the process of historical development of which its task is part. It is necessary, therefore, to find out whether the applicant is or is not fundamentally a displaced person or a true refugee who has been bereft in law or in fact of national protection and also whether he falls within the mandate of the Organization according to its Constitution. It must be remembered that not all stateless persons are within the constitutional mandate. If a person is within the mandate, then it is for the Organization to determine what services, if any, will be provided for him. There is no obligation on the Organization to render any particular service: the status of IRO protected person implies only the potentiality of material assistance.

B. TERMINOLOGY

6. In the course of time a number of discrepancies have crept into the terminology in use in the Organization on the subject under reference. In future, as an aid to clarity and uniformity, the following expressions will be used:

- (a) "within the mandate of the Organization": this will refer to any person who is a refugee or displaced person according to the definitions in Section A and B of Part I of Annex I to the Constitution *and* who has become the concern of the Organization under the conditions described in Section C of that Part of Annex I *and* who has not ceased to be the concern of the Organization under the circumstances described in Section D of that Part of Annex I *and* who is not covered by the provisions of Part II of that Annex. This expression will replace the phrases "eligible" or "basically eligible", where they have been used.
- (b) "not within the mandate of the Organization": this will refer to all persons not covered by (a) above.
- (c) "eligible for repatriation": this will be used as an additional qualification to (a) above in respect of persons who can be repatriated — i.e. *inter alia*, who are willing to be repatriated — and who require the assistance of the Organization for that purpose. Persons become eligible for this service as a result of the constitutional provisions of Section C of Part I of Annex I to the Constitution.
- (d) "eligible for resettlement":
"eligible for re-establishment *sur place*":
"eligible for legal and political protection": etc.

7. These phrases will be used as additional qualifications to (a) above when in the view of the officer concerned limitation of the services to be provided by the Organization to the individual concerned is desirable on practical, financial or other adequate grounds. In principle this Manual is not concerned with the criteria for determining eligibility for particular services. However, all persons within the mandate will be regarded as eligible for legal and political protection and, normally, for repatriation.

C. LOGICAL PROCESSES IN DETERMINING WHO IS THE CONCERN OF THE ORGANIZATION

8. This process can be divided into three stages :

(i) STAGE ONE should consist of ascertaining whether the applicant comes within any one of the categories of refugees or DPs, as defined in Sections A and B of Part I of Annex I to the Constitution.

(ii) STAGE TWO besides belonging to the broad categories above (or to a new category which might be established by the competent organ of the Organization), an applicant should also be examined as to whether he is not disqualified from becoming the concern of the Organization under Part II.

9. These two stages having been successfully passed, the Eligibility Officer may now consider the applicant as a "genuine refugee or displaced person". However, this does not yet fully determine whether the applicant is within the mandate.

(iii) STAGE THREE should consist of submitting the applicant to the following test, after it has been ascertained that there would be no material obstacle to his return to his country of nationality or former habitual residence :

He must *definitely in complete freedom*, and after receiving "*adequate information*" express "*valid objections*" against returning to his country of nationality or former habitual residence according to Section C 1 (a) of Part I of Annex I to the Constitution.

10. Provisionally after stage three, the position of the refugee or displaced person is defined. But this does not mean that his position will now be permanent. On the contrary, the question of whether an individual comes within the mandate of the Organization must be continuously kept under review, with a view to applying, when necessary, any one of the clauses of Section D of Part I, which deals with the conditions under which an individual ceases to be the concern of IRO.

11. If, after completing the second stage, an Eligibility Officer finds that a genuine refugee or displaced person wishes to be repatriated, it is evident that such a person need not be questioned in respect of "valid objections" or of "adequate information" (which he may be presumed to have obtained). It follows that a person who is accepted for repatriation and who afterwards changes his mind and applies for resettlement must pass the test concerning valid objections before he can be resettled.

CHAPTER II

GENERAL PROBLEMS

A. BURDEN OF PROOF

1. *General.* The general principle, which is adopted in determining whether or not a person is within the mandate of the Organisation, is that any person who applies for the recognition of a right must prove to the satisfaction of the authority granting it that he is entitled to it. The legal maxim is "*Actori incumbat probatio*". Thus an applicant must bring some evidence tending to shew that he is a *bona fide* refugee or displaced person within the mandate; it is not for the Organisation to prove that an applicant is within the mandate who chooses to maintain silence on his identity, or to give false or incomplete information thereon (1). Even where a person's presence in a particular place might be thought to raise a presumption in his favour, he must still be reasonably open and forthcoming (2). This policy must, however, be subject to the policy on false pretences as stated in Section (b) below.

2. The process of discovering whether an applicant is within the mandate is a cooperative venture between him and the Organisation. It is a logical impossibility to prove a negative, and thus an applicant cannot be expected to prove that he is *not* a war criminal or that he did *not* voluntarily assist the enemy forces. But the Organisation has few sources of information apart from that given by the applicant, who therefore has a duty sincerely to give the information required by the Organisation to elucidate the matter (3).

3. *Documents and other evidence.* It will be seen from the above that positive statements made by an applicant should where reasonably possible be supported by documentary evidence. If the applicant has no documents, then he should make an attempt to obtain them (4); if he has done so or if it is impossible to do so (5), and if his story is otherwise credible, he should be given the benefit of the doubt (10). The amount and type of evidence required in any particular case must be determined by the Eligibility Officer concerned; a sufficiently plausible story may be adequate (6), though some plausible stories, such as the burning of documents in the great air raids on Dresden, are sufficiently common to ring untrue. Therefore supporting evidence should be obtained where possible (7). Not only the applicant's history but also the reason for absence of the documents should be plausible (8).

4. Credence should not always be placed on copies of documents, even when they are certified true copies (9).

5. Original documents should be obtained where possible. This is a matter of some importance where determination of eligibility is connected with quasi-consular work and the Organisation is involved in the certification of civil status of refugees on the basis of documents or information emanating from their country of origin. If a refugee has a document with fingerprints, it is advisable for the Eligibility Officer to compare them with new fingerprints made on the spot.

6. Great attention should be paid to the necessity for registering the names of applicants will eventually be issued with a travel document, their "mutilated" names can be cants and the names of their birthplaces correctly. Eligibility Officers should insist that an applicant always spells or writes his name in the original way of his country, and not

(1) *Geneva 1624*: Petitioner originally claimed to be a stateless person of Armenian origin. He produced no documents proving his identity or nationality, stating that they had been stolen by Rumanian soldiers. On appeal, it appeared that he was born in Turkey and lived in Constantinople till 1940. On interview declared that he left Constantinople in 1940 for Rumania and that he left his documents in Rumania where he lived until 1944. Ruled not within the mandate.

(2) *Geneva 149*: Petitioner, who was living in Jerusalem, claimed to be a Pole who had joined the Polish Forces in U.S.S.R., come with them to the Middle East and deserted. Very many Poles in fact had done the same, some had deserted during and after the war. He had, however, no identity or military documents nor any other support of his statements. In 1947, he was in prison in Palestine for an unknown reason. Ruled not within the mandate.

(3) *Geneva 342*: Petitioner originally claimed to be a stateless person, born in Armenia. On appeal he admitted leaving U.S.S.R. (Crimea) in 1942 for Germany, and that he is an U.S.S.R. citizen. He produced no documents of any kind concerning his identity, citizenship, pre-war occupation or war-time activity. He gave no reason why he had no documents nor why he might have been stateless. Ruled not within the mandate.

(4) *Geneva 403*: Petitioner, formerly a Lithuanian peasant, was, according to sworn statements of two witnesses, drafted for labour service in Germany. He tried to get certificates from the Soviet Zone where he had been stationed during the war, but did not succeed in getting them. In the absence of any indication of voluntary assistance to the enemy forces, he was given the benefit of the doubt.

(5) *Geneva 187*: Petitioner was a stateless person of Russian origin (Nansen) who was living in Yugoslavia and fled from that country in May 1945. It appeared from interview on appeal that the petitioner, as a Russian emigrant, could not obtain papers from Yugoslavia establishing that he worked there, as it is considered to be practically impossible to obtain a statement of this kind from Yugoslav firms. Petitioner submitted a sworn testimony that he worked in Belgrade from 1941 to 1945. Ruled within the mandate.

(6) *Geneva 413*: Petitioner was a Soviet Citizen who worked as a common labourer on German farms after the liberation, though a skilled mechanic by profession. There was good reason to believe that he was a prisoner of war afraid of forcible repatriation. There was no evidence of forced labour or of voluntarily assisting the enemy forces. He was given the benefit of the doubt.

(7) *Geneva 430*: Petitioner lived with his parents, Nansen refugees, in Yugoslavia before the war. He stated that he was transferred to Germany in September, 1944, where he worked on a railway. He produced no documents referring to that work because, he said, they were destroyed in an air-raid; his wife, however, has a document showing that she was imprisoned for being absent from compulsory work. Petitioner was given the benefit of the doubt.

(8) *Geneva 1263*: Petitioner, a Lithuanian, was in 1947 divorced from her husband whose residence is unknown and who had refused to part with documents which would have provided evidence that she was entitled to IRO assistance. Her position was therefore examined separately, and she was found to be within the mandate.

(9) *Geneva 2195*: Petitioner claimed to be a Polish Ukrainian hotel waiter who was evacuated from Krakow in 1940. Before the Board he declared that he had applied for work at the Arbeitsamt and was sent to Vienna with his wife. This did not tally with an "Überweisungsschein" which was delivered to him at Landeck (Tirol) on 15. 11. 1940 and which figures among his documents. Concerning his wartime activity he was first unable to produce any proof. In his appeal he alleged that he had found a certificate of employment from December 1940 to 15 February 1945 as labourer with the Donau Dampfschiffahrtsgesellschaft in Vienna. The certificate in question was a notarial copy of another notarial copy of a document with an illegible signature. Asked to produce the original document, petitioner claimed to have destroyed it. This destruction created a suspicion that the original was a forgery and that petitioner had destroyed it to avoid

1944. The following information is being furnished to you for your information and is not to be distributed outside your organization.

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detection. A copy certified by a notary merely proved that the actual words of the documents which was presented to the notary have been truthfully copied, but it carried no weight as to the authenticity of the seals and signatures; only a visual examination of the original seals and signatures could give indications in this connection. The fact that, after having destroyed the original the first time without reason, he again destroyed the notarial copy when he had this document unnecessarily copied by another notary conveyed a suspicion that either the original document or the first copy had been tampered with or were false. Petitioner could, moreover, easily have obtained from his employers another original certificate. Petitioner was ruled to be not within the mandate.

like the authorities of many countries who often carelessly mutilate the names. As these the cause of misunderstandings and grave doubts about their genuine descent or nationality in their resettlement countries. Some examples are as follows: A Czech named *Tkac* wrongly written *Tkacz* (as the first is pronounced) could be taken for a Pole. A Czech woman named *Manokova* wrongly written *Manokowa* could be Russian. A Pole named *Karntewiecz* wrongly written *Karniewietsch* could be a Russian. A Lithuanian named *Turszas* wrongly written *Turszacz* could be a Pole. Similarly incorrect spelling of the names of towns and villages cause difficulties when checking them on a map.

7. *Sworn Statements.* Sworn statements or testimonies are not necessary; wise publicity designed to discourage their production is always in point, because of the expense they cause to the refugees and of their doubtful evidential value. Cases (4) and (5) above (Geneva 403 and 187) illustrate the rule that in the absence of original documents, sworn statements may be accepted as evidence. Many cases have occurred, however, of sworn statements ultimately proving false, and care should therefore be taken to see that the statement is consistent in itself and that the attestor's ability to make the statement is inherently probable (10). Where attestors are refugees who have been interviewed, their own C.M.I forms should be examined (11).

8. *Burden of proof for Exclusion Purposes.* Part II of Annex I to the IRO Constitution describes the persons who will not be the concern of the Organisation. (Detailed consideration of that Annex is given in Chapter VI.) It is clearly a logical impossibility for an applicant to prove the negative proposition that he is not a person who should be excluded. Equally it is a practical impossibility for the Organisation to prove that any applicant is in fact such a person, except in the rare cases where a person's name is for example found on a list of war criminals, apart from the evidence provided by the applicant himself. Thus if there is any reason to suppose that a person falls under Part II and if the applicant cannot give a plausible and convincing rebuttal, it must be assumed that he does in fact fall under Part II (12).

If, however, there is no *prima facie* indication that the applicant falls under Part II, then it is not up to him to bring forward any particular evidence (13), though it is helpful if he does (14). This means that in practice it is necessary for an Eligibility Officer to show that a person falls under Part II, but he has to use such evidence as the applicant gives him together with any evidence that can be obtained independently.

9. As regards exclusion on the ground of having voluntarily assisted the enemy forces, it is usually sufficient for an applicant to show that he did not join a pro-German force before the date when conscription was imposed (15). (See also Chapter VI.)

10. *New evidence on appeal.* When a decision that a person is not within the mandate brings forth an appeal and new evidence in the case, the decision should not be reconsidered by the administrative echelons. It should go on appeal to the Review Board, which, as indicated in several cases above, takes the new evidence into account. A negative decision in the first instance in such circumstances is no injustice, but provides an applicant with an opportunity adequately to present his case (16). Arrangements have been made between the Review Board and the Administration to deal with specially urgent cases.

B. FALSE PRETENCES

11. It is realised that many applicants, for IRO assistance, even *bona fide* refugees, are under various pressures to make false statements. In the first place there are the applicants who are not refugees at all but who make false statements in order to benefit from the Organisation's assistance (17). Then there are persons who may be refugees in the general sense of the term, but who belong to groups known not to be assisted by the Organisation, for example "Volksdeutsche" in Germany or who may know themselves to be

(10) *Geneva 155*: Petitioner, a Rumanian from the Ukraine, claims to have been deported to Breslau in February 1943, from there to Vienna and thence to Klagenfurt. He brought no proof of his activities during the war. He produced a statement on oath by two witnesses concerning petitioner's activities from 1942 to 1946. On examination, it appeared that the witnesses, before signing the statement, had had it read to them by the notary; but as the statement was in German, which they did not understand, they did not know the text thereof. The witnesses also declared that they had not known petitioner before 1946. The statement was therefore not conclusive. Further, the petitioner had made no attempts to obtain any statements from his employers in Austria.

(11) *Geneva 1617*: Petitioner claimed to be a stateless person of Russian origin who left U.S.S.R. in 1925. He brought an affidavit certifying that he lived in Kishinev (Bessarabia) from 1936 to 1943. One of the signatories of this affidavit had, however, only lived in Hermannstadt (Sibiu, Transylvania) which is more than 200 miles from Kishinev and it is most unlikely that he could ever have known petitioner. Petitioner also brought an affidavit on oath certifying that he was a joiner in Linz from October 1943 to October 1944 and that he was deported on the latter date. The affidavit was signed by two alleged eye-witnesses to the deportation, the first of whom declared in his C.M. 1 form that he had been residing in Komaron (Hungary) from September 1943 to November 1944, and the second of whom, a Lithuanian refugee within the mandate, has never been in any of the places that he certifies for petitioner. The affidavits were therefore not accepted.

(12) *Geneva 6*: The names of petitioner and his wife were found on EWZ list which raises presumption that they are either of German ethnic origin transferred to Germany or were collaborators. Petitioner claims that his name was put on the list without justification, but produces no evidence to support his claim. It was therefore presumed that such evidence did not exist.

(13) *Geneva 893*: Petitioner had been excluded as a person of German ethnic origin transferred to Germany. He had no documents to disprove the presumption, but gave a consistent and plausible explanation for their absence. It was ruled that there was insufficient evidence of his German ethnic origin.

(14) *Geneva 537*: Petitioner had been excluded as a person of German ethnic origin transferred to Germany. On appeal, she produced a statement from the Burgomaster of Ostseebad-Kuhlingsborn to the effect that she was recorded there as a stateless person in September 1941 and remained there till March 1946. The statement was an indication that the family did not enjoy German nationality.

(15) *Geneva 1973*: Petitioner, a Latvian, had a blood-group scar indicating membership of the Latvian Legion. He produced evidence, however, that he was in civilian life in May, 1944, conscription having been imposed earlier. His statement that he was conscripted into the Latvian Legion was accepted.

(16) *Geneva 153*: Petitioner was a stateless person of Russian origin (Nansen) who had been declared not within the mandate. The point at issue was his date of entry into Germany, petitioner in the first instance producing no documents to support his claim that he entered Germany only in May 1945. On appeal, petitioner produced a certificate that he worked in Oresac from 3rd March 1943 to 15th August 1944, and on interview he gave a detailed, plausible and acceptable account of his activities during the war in Yugoslavia.

(17) *Geneva 6923*: Petitioner 57 years old alleged that he was a pre-war refugee from Russia, who had settled in Bulgaria in 1921 and had fled through Yugoslavia to Austria in May 1945. Upon interview Petitioner produced a Nansen passport (No. 00449) of which the photograph had undoubtedly been changed and the Review Board considered that this document had been forged. The Petitioner was found not to be within the mandate of the Organisation.

excluded by some provision, but be sufficiently near the border line of the mandate to try to enter by a false pretence (18).

12. On the other hand are the persons who erroneously but not unreasonably fear that the truth would do them harm. There have been many cases of Russian Soviet citizens — making false statements and producing forged documentary evidence that they are stateless "Nansen" refugees. The refugees have acted thus from a reasonable fear of forcible repatriation; even though there are no longer objective grounds for that fear, it often persists, and is to a great extent an indication of distrust of the Organisation and its Officers and the Governmental authorities of their countries of origin, which does not reflect on the integrity of the refugees and which can only be overcome by increased confidence. Cases of this sort do not only concern Russians (19). Production of a false document is not by itself adequate ground for declaring a person outside the mandate, (20) but it might have other consequences. Cases have occurred for example of persons producing false birth certificates (in connection with immigration quotas depending on place of birth) and marriage certificates. Thus a determination that a person is within the mandate does not warrant the accuracy of connected statements concerning age, place of birth, profession and so on; but when documents alleging such facts are found to be false the matter should be dealt with in whatever way is appropriate.

13. It often occurs that an applicant gives different information at different times. If he can shew that one of his stories is true, then it should be used as a basis for judging the case. His statement must, however, be either consistent or the inconsistencies explained (21). Most stories that are inconsistent seem to refer to war-time activities and thus often rouse a presumption of voluntary assistance to the enemy forces (22).

14. The policy to be adopted therefore is that, when the truth or a sufficient part of it is ascertainable, an applicant will be judged on it. That is to say that an applicant who, on the basis of the truth, would be within the mandate will be so judged: an applicant who would, on the same basis, be excluded should be judged not within the mandate: a false pretence will not, by itself, exclude anyone. When no clear picture of the applicant can be obtained, as a result of his incoherent, conflicting or false statements and pretences, then he will be ruled not within the mandate.

C. WHO IS A GENUINE, BONA FIDE AND DESERVING REFUGEE ?

15. The definitions attached as Annex I to the IRO Constitution are the attempt to give precision to the Resolution adopted by the General Assembly of United Nations on 12 February 1946 (quoted as Annex III to the Constitution) and by the Economic and Social Council on 16 February 1946 (essentially the same). According to those Resolutions the main necessity was to distinguish between "genuine refugees and displaced persons" on the one hand and "war criminals, quislings and traitors" on the other. In addition to Part I and II, Annex I to the Constitution contains a series of General Principles, among which are the following :

"1.

(a) The main object of the Organisation will be to bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned.

.....

(f) ... it should equally be the concern of the Organisation to ensure that no *bona fide* and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer...

(18) *Geneva 1176*: Petitioner a tailor, 40 years old, was born and lived in Lithuania till March 1941 when he had taken the opportunity of the E.W.Z. scheme to leave Lithuania for Germany with his family. He was resettled in Poland from March until September 1941 and then went to Germany. In August 1943 he had been authorised to go back to Lithuania with his whole family. Petitioner produced a certificate stating that he had been authorised only on medical grounds, but admitted himself that it was a false certificate. Petitioner was ruled not within the mandate, under the terms of Part II, 4 (a). Only people considered by the Germans as being of German ethnic origin and "genuine Umsiedler" being granted such facilities for return.

(19) *Geneva 353*: Petitioner had been declared not within the mandate as a "Volksdeutsche" from Hungary. On interview he admitted that he had falsely registered with the Allies as a Volksdeutsche. On appeal he produced conclusive evidence in the form of at least 20 original birth and marriage certificates proving that his parents, grandparents and their forefathers were of non-Germanic origin: he himself speaks little German. He explained his registration as a "Volksdeutsche" as follows: when in September 1944, his home town was overrun by the Russians he fled to Budapest, and when Budapest was taken he fled to Austria, to territory under the control of the US Army, and found refuge in a DP camp. There, on hearing reports concerning the fate of Hungarians who had been repatriated, and fearing compulsory repatriation, he requested that he be transferred to a "Volksdeutsche" camp as the only means of avoiding repatriation. Fulfilling the necessary condition, petitioner was found within the mandate.

(20) *Geneva 1665*: A curious case: petitioner was a former Russian, holder of a Nansen passport who had settled in Bulgaria in 1920 and lived there until September 1944 when he fled to Austria from fear of the approaching Russian Army. He had been declared, at first instance, outside the mandate for the production of a false document. On appeal, it was established that the document in question had been fabricated by the IRO interviewer, who persuaded petitioner that it was necessary in order to obtain IRO assistance and obtained 50 schillings in payment for the forgery. The action of the petitioner under the circumstances described and for reason of fear was ruled to have no bearing on his status. It was established by other indisputable documents that he had not voluntarily assisted the enemy forces, and fulfilling the necessary conditions he was declared to be within the mandate.

(21) *Geneva 958*: Petitioner, who claimed to be a Rumanian from Bessarabia gave on three different occasions different information about his identity and activities during the war. During his first interrogation he gave himself as single, catholic and a factory owner who had left Rumania because his works had been requisitioned. During his third interview he described himself as married, orthodox and having escaped in 1944, to Vienna. In his appeal he writes about a secret arrival in Italy, which is untrue as he arrived in Italy on an allied Travel Permit. Among his documents there was an identity card delivered in Vienna in 1942 which he could not have had if he had only left Rumania in 1944. It was evident that petitioner was concealing the truth about his activities and was trying to obtain IRO assistance under false pretences. He produced no consistent or apparently truthful story and was ruled not within the mandate.

(22) *Geneva 937*: Petitioner was a Rumanian who claims to have been deported in 1941 for forced labour in occupied Russia and later in Berlin. Petitioner's statements when questioned in the first instance, in his appeal and upon interview are all different. Petitioner admitted to having followed German troops whilst in the Todt Organisation, and this was considered to be a strong presumption that he was actually in the "Rumanian Legion" of fascist volunteers.

16. It is unfortunate that in some respects the definitions contained in Annex I are not as precise as could be wished and if read strictly do not cover all existing operational contingencies. For example, Part I, Section A, paragraph 2, can be read to include all Germans outside Germany, as they are, "as a result of events subsequent to the outbreak of the second world war" unable to avail themselves of the protection of the Government of their country of nationality. Similarly it has been necessary to limit the effect of Part I Section A, paragraph 4 to children belonging to groups in respect of which it may be presumed the IRO was established to provide assistance — otherwise nearly every orphan in the world who is outside his country of origin, would be within the mandate.

17. Thus to be within the mandate, a person must be someone of whom the words "refugee" or "displaced person" would be used in their normal acceptable sense (23), it being remembered that a person may be a refugee even though he holds a valid passport of his country of origin — some countries allow persons to leave their territories as refugees and some persons obtain valid passports by bribery or personal influence. (See also pp. 39 and 103). Similarly persons with no fixed abode, such as seamen, circus artists and theatrical performers, may be *bona fide* refugees, although they raise difficult issues when it is a matter of eligibility for resettlement and of paying for their firm establishment if they have not been firmly established elsewhere previously.

18. *Per contra*, one can say of an applicant that he is not a genuine refugee and therefore not within the mandate when, although not excluded by any particular constitutional provision, he is not specifically included either. For example, *inter alia*

(a) A stateless person living in Germany who has never been persecuted by the Nazis and who has never enjoyed refugee status (24).

(b) One of the miscellaneous unestablished aliens found in many countries. (25) (26) These should, however, be distinguished from "*réfugiés sur place*", persons who have lived as "normal" aliens in a country and who then find themselves (usually as a result of fundamental political change in their country of origin) unwilling to accept the protection of the (probably new) government of their country of origin (see p. 10). Such "*réfugiés sur place*" often require the status of refugees in order to prevent their forcible repatriation (if they cease to be self-supporting) or to regularise their personal status (if for example a consul refuses to renew their passport).

19. Further, it should be noted that many persons in Germany will try to use any argument, however flimsy, to leave the country (27).

D. DEPENDENTS

20. At no place in the IRO Constitution is there any mention of the dependents of persons who are within the mandate of the Organisation; the Constitution considers persons as falling within or not within the mandate according to how they as individuals are covered by its terms. Nevertheless, for reasons of equity and administrative convenience, it is necessary to regard families as being the basic units of the Organisation's concern when it is a matter of determining who is within the mandate.

21. The general rule is the following: members of a family will be considered to be within or not within the mandate according as their head of family is within or not within it, except that when a member falls under some constitutional provision not applicable to the head of the family, then that member will be considered on the merits of his own circumstances. By head of family is meant the individual normally recognised by the family as being its head. This person may be the eldest male or the eldest bread winner

(23) *Geneva 1880*: Petitioner was a German woman who had been living in Java since 1928. After the invasion of the Netherlands, she was interned in June 1940 and transported to China in 1941 by the Allies where she spent some time in internment. She asked to be repatriated to Germany.

Petitioner could not be considered a displaced person, as she was not deported by the Axis powers. Finally petitioner was ruled to be not within the terms of paragraph 2 of Section A of Part I of Annex I of the Constitution. It was ruled that that paragraph could only apply to persons who, as well as meeting the ordinary IRO requirements, are genuinely refugees in the ordinary sense of the word—that is to say persons whose continued presence outside their country of origin is due to racial, religious or political opinions in their past or to racial, religious or political policies followed by the Government of that country. Petitioner was accordingly ruled not within the mandate.

(24) *Geneva 1284*: Petitioner's family originated in Poland and Czechoslovakia, but was settled in Russia until 1912 when petitioner moved to Germany for purely economic reasons. Petitioner was regarded as firmly established in Germany except that he had not acquired German nationality. He was not a pre-war refugee in the sense of paragraph 1 (c) of Section A of Part I of Annex I to the IRO Constitution and was ruled not within the mandate.

(25) *Geneva 154*: Petitioner was a Bulgarian who had gone to Austria in 1934 to work as a gardener and had remained there in his peace-time occupation ever since.

(26) *Geneva 936*: Petitioner was a Hungarian who left his home in December 1944 because of the approach of the military front. He crossed into Austria in March 1945. In May 1945 he went to Italy where he had worked before 1939 as an hotel porter, and worked again in that capacity until his permit was withdrawn. Petitioner then applied to IRO for repatriation. Ruled not within the mandate.

(27) *Geneva 911*: Petitioner, who was of Austrian origin, returned home to Silesia from Brazil in 1913, aged 10, with his parents. His father became a Polish citizen after World War I. Petitioner practiced as a dentist in Hannover, but wished to leave Germany, alleged that he was a Brazilian and claimed repatriation. During World War II, petitioner was treated as a German, was a member of the police and served in Holland as a police dentist. There was no evidence of Brazilian citizenship. Petitioner might have been, at one time, Brazilian *jure soli* as he was born in that country, but he could not shew that he was one at the time of application. Neither was Brazil his habitual residence. Ruled not within the mandate.

depending on circumstances. It should also be noted that the Eligibility Officer may have to designate an individual as head of the family in cases where the family has made an obviously not disinterested decision as to its head. The Eligibility Officer's discretion in designating the head of family will also be necessary in cases where for practical reasons, depending on the application of contribution of criteria, an apparently unified family unit should be split.

22. Thus when a family exists as a unit, a determination that the head of the family is within the mandate should normally extend to all the members of the unit. (28) If there is any suspicion that any member of a family group (other than the head) would be excluded under any provision (except paragraph 4) of Part II of Annex I to the Constitution, then that suspicious member should be interviewed separately and excluded if the suspicion is confirmed. The fact that a wife or other member of the family would, if taken alone, be found to belong to a category not assisted by the Organisation or be found otherwise not within the mandate (except by reason of falling under paragraphs 1, 2, 3, 5 and 6 of Part II) is not relevant (29). A German woman in Germany married to a refugee who is within the mandate, is within the mandate herself; she would not be, however, if she were, for example, a war criminal.

23. The reasons for this policy which extends constitutional principles as a privilege to some persons not otherwise covered by them and which means that dependents are not normally examined apart from the head of their family are that on social grounds it is the desire of the Organisation to reunite families or keep them united and that (particularly in respect of German wives) nationality becomes questionable after marriage to a refugee and that in consequence such wives should benefit from IRO protection. As a safeguard, evidence of the marriage must always be produced. Nevertheless, on occasions "concubinage" may be recognised as conferring "dependents' status" for eligibility purposes. For it to be so recognised there must be more than a *de facto* arrangement under which a man and woman live together. There must be clear evidence of an agreement to live as man and wife and of intent to preserve a stable arrangement. Good evidence is a religious ceremony (not recognised as establishing a legal status), the length of time the arrangement had already existed, public opinion that the persons concerned are living as man and wife and good grounds for the non-performance of civil ceremony. A "state of concubinage" so recognised will be regarded as valid for all IRO purposes, though it should be remembered that it will not necessarily be so regarded by the authorities of resettlement countries or the authorities of the country of temporary sojourn.

24. The above considerations apply when the head of a family is within the mandate. The matter is a little more difficult when he (or she) is not within the mandate. The reasons for the head of family not being within the mandate will in each case need to be examined.

- (a) If the head of family is not a refugee, then in nearly every case the dependents will not be within the mandate. Exceptions may however be made on compassionate grounds when the dependents have suffered racial or other severe persecution (30), these cases are normally those of the Jewish wives of non-Jewish German husbands. It should be noted that nationality laws almost invariably cause a stateless woman to acquire her husband's citizenship on marriage.
- (b) If the head of the family, although not a refugee, is a stateless person (and it should be remembered that stateless persons are not all within the mandate) then it is not unreasonable for a woman, within the mandate, marrying him, to remain the concern of the Organisation. Such a case would be unusual.
- (c) If the head of the family is a refugee, but ceases to be the concern of the Organisation for one of the reasons mentioned in Annex I, Part I, Section D to the Constitution, then the position of the dependents should be examined afresh to determine whether the same circumstances do or do not apply to them.

(28) *Geneva 14*: Petitioner was a Polish citizen from Lwow. Ruled that petitioner's husband having previously been declared within the mandate, her status follows that of the head of the family, since she does not fall under the exclusion clauses of paragraphs 1, 2, 3, 5 or 6 of Part II of Annex I to the Constitution.

(29) *Geneva 351*: Petitioner was a German woman who on appeal produced conclusive evidence, in the form of a marriage certificate, that she was the wife of a refugee within the mandate. Ruled within the mandate also.

(30) *Geneva 4074*: Petitioner aged 53, was German of Jewish origin, the wife of a non-Jewish German, and had never left Germany. She had suffered persecution by the Nazis, and her husband as a result of his refusal to divorce her had also suffered from Nazi reprisals. The husband, however, being neither a Jew, a foreigner nor a stateless person in Germany would not be within the mandate: the wife considered alone would be. Her case was considered separately and she was ruled within the mandate.

- (d) If the head of the family is excluded by any paragraph of Part II, Annex I to the Constitution, then normally the dependents will also be excluded. Certain exceptions should be made, however, in respect of the different paragraphs of Part II and in these cases the eligibility of the dependents may be determined separately. For example, the dependents of war criminals, quislings and traitors should all be excluded as also should be the case with the dependents of persons excluded by the operation of paragraph 5 (persons in receipt of financial support and protection from their countries of nationality). On the other hand, there may be found cases in which a wife or family has taken no part in, and has not benefitted from, for example, the husband's persecution of civil populations (para. 2 (a)), the husband's voluntary assistance to enemy forces (para. 2 (b)), the husband's participation in terrorist organisations (para. 6 (a)) or even the husband's leadership or sponsorship of anti-repatriation movements (para. 6 (b)). Such cases will of course be rare and the facts must be examined with care. Similar cases, but in which exceptions may be more widely made and in which the dependents may be judged separately from the head of the family, are those in which the dependents are excluded under Part II paragraphs 3 (ordinary criminals extraditable by treaty) and 6 (c) (military or civil service of a foreign state). The separate consideration of the last group of dependents has been a general rule, for example, in the cases of the dependents of men in the Polish British forces. The last category of exceptions may be those of the dependents of persons excluded under Part II paragraph 4 (Volksdeutsche) normally of course the dependents of a Volksdeutsche man will have been members of a German minority and will, therefore, be excluded. Cases may arise, however, in which a Volksdeutsche man has married a non-Volksdeutsche woman who would otherwise be within the mandate, and where such a marriage has taken place after the time that the Volksdeutsche man left his ancestral home, then the dependent should be considered separately. This is particularly necessary because of the possibilities under the migration laws and practice of, for example, Canada, France and the United States for Volksdeutsche to emigrate to these countries under special arrangements.
- (e) If the head of the family, a refugee or D.P. under Section A or B of Part I of Annex I to the Constitution, is not the concern of the Organisation by operation of Section C, then any dependents may be within the mandate if they are included under Sections A or B and are the concern of the Organisation under Section C.

25. It should be noted that this policy is only in point when the marriage or family exists as a "going concern". In other circumstances the status of individuals must be determined individually. Thus fiancées of refugees within the mandate are not *ipso facto* within the mandate, and where the marriage is broken for any reasons (as for example by the judicial separation of the spouses or intention to divorce (31), by the disappearance of one spouse (32), or movements of one spouse on a resettlement scheme (33) the "dependent" must be considered separately, whether the head of family is or is thought to be within the mandate or not.

26. However, in cases of temporary separation, caused by the wilful act of the applicant or the head of the family and in which the head of the family has already been determined as being not within the mandate, then the dependents will be excluded also (34).

27. The position of unaccompanied children who have not reached their 17th birthday is discussed in Chapter III below. A child who has passed his 17th birthday and who is not living with his parents or legal guardian is considered as an adult.

28. Cases of widows and divorcees are cases in which the marriage no longer exists; applicants will be treated as individuals (35).

29. Difficult cases are those in which non-refugee women, having been ruled within

(31) *Geneva 1243*: Petitioner, a Pole, was wife of a German who had been found not within the mandate and had not appealed. Petitioner asked for a separate decision on the grounds that she was not living with her husband and intended to divorce him. She was living in camp with her parents instead of out-of-camp with her husband. The case was decided on its own merits, petitioner being found not within the mandate as having no valid objections to return to Poland.

(32) *Geneva 4231*: Petitioner was a Hungarian woman who claimed that she left Hungary in May 1945 with her husband and that on arrival in Austria both were arrested by the British Authorities. Petitioner's husband was released after one day's detention, petitioner being kept in internment for 2½ years. She alleged that on her release she was informed that her husband had been kidnapped and taken to Yugoslavia where he had died.

It was ruled that, whatever may have been the activities of her husband, petitioner's case should be considered separately. She failed to bring adequate evidence and was found to be not a refugee or displaced person.

(33) *Geneva 2202*: Petitioner was a woman born in Hungary, the wife of a Hungarian ex-prisoner of war who had gone to England under the "Westward Ho!" scheme. Her case was taken separately from that of her husband, and she was found to be within the mandate.

(34) *Geneva 4505*: Petitioner was a 27-year old Serbian man who was unable to appear for interview as he was undergoing a sentence of eight months imprisonment for theft. He had previously been determined not within the mandate, as having no valid objections to return to Yugoslavia. The decision was upheld on appeal, and it was ruled that petitioner's wife must be excluded also.

(35) *Geneva 113*: Petitioner was a Ukrainian, widow of a man who in 1944, had applied for EWZ registration as a Volksdeutsche, as a consequence of which the family was transported to Germany in November 1944. There was no doubt that an application for naturalisation was made, but after her husband's death, being of Russian and not of German origin, petitioner did not renew the EWZ application after a lapse of one year. Petitioner's case was considered separately and apart from the German ethnic origin of her husband, and she was found to be within the mandate.

This case should be distinguished from

Geneva 1178: in which petitioner was the widow of a former Lithuanian. Petitioner and her husband went to Germany under EWZ auspices; her husband died in 1944; she produced evidence tending to shew that she was of Lithuanian and not of German ethnic origin. The Review Board, however, obtained evidence from the Office of Military Government for Germany in Berlin that both petitioner and her husband had applied for and been granted German citizenship. She was therefore found to be not within the mandate.

the mandate solely on account of marriage, then become widowed. No general rule governing all cases can be given, but the principle to be adopted, is that when the non-refugee woman has lost (perhaps by loss of nationality or by resettlement) the possibility of re-integration into her original community, she should remain within the mandate. If the woman has had children by the refugee, then it will in most cases be difficult or impossible for her and her children to revert to her original status; this might even be the position where the woman was not legally married, the children in consequence illegitimate, but the family had been deserted by (even perhaps by the repatriation of) the man. When it is possible for her to revert to her previous position, she should be encouraged and if necessary assisted to do so (36).

30. In some cases, the non-refugee woman will have children of a previous marriage; if they are young and accepted by the husband as part of his family they can be within the mandate; except, however, when they have been formally adopted, such children should be considered separately after their 17th birthday.

31. It should be remembered that these difficult cases raise intricate social problems in which legal considerations (for example, citizenship) are not unimportant. They will require sympathy, care and accuracy in treatment far out of proportion to their numbers.

E. COUNTRY OF NATIONALITY OR OF FORMER HABITUAL RESIDENCE

27. Except in the case of persons of Jewish origin or foreigners or stateless persons in Germany or Austria who were victims of Nazi persecution, a person cannot become a refugee or displaced person within the mandate of the Organisation unless he is "outside of his country of nationality or of former habitual residence". That phrase, and its omission in referring to certain persecuted persons in Germany and Austria, ensures that in normal circumstances a person cannot be considered a refugee or displaced person if he has never lived permanently in any country other than the one he is in now.

28. The phrases, "country of nationality or of former habitual residence", must normally be read as providing strict alternatives; in the case of persons with a clear citizenship, they will not be considered refugees or displaced persons unless they are outside their country of citizenship; in the case of stateless persons, they will need to be outside their country of former habitual residence; *former* habitual residence is their residence prior to their displacement as refugees or displaced persons.

29. There are certain exceptions to the general rule, which are mostly covered by the comments in section (C) above ("Who is a genuine, bona fide and deserving refugee?"). Persons living outside their country of nationality for reasons not connected with persecution or political opinions are not *ipso facto* refugees; thus a Chinese national normally living in Burma would not be within the mandate; if, however, he had been deported to China by the Japanese during the war, he could be, in spite of being within his country of nationality.

30. *Refugiés sur place*. Similarly, some persons can be *bona fide* refugees although they have never been displaced; for example, a German who had lived for years in France, denationalised in 1938 for anti-Nazi activity, would have thus become a refugee; or a Pole living for years in Germany but now unwilling on political grounds to avail himself of the protection of the Polish Government could, other things equal, be a refugee within the mandate—the matter of the desirability of his resettlement out of Germany at international expense is, however, quite another matter. The fact that an applicant has been living in the same country for some years is not relevant to the question whether he is within the mandate; what is relevant is whether he is firmly established in it. Such

(36) *Geneva 1353*: Petitioner, a German woman married a Ukrainian in July 1947. They were admitted to camp in August 1947 and her husband died a month later. Petitioner claimed that, having married a displaced person, she should acquire his status. She was ruled not within the mandate.

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habitual residence will on the other hand affect the applicant's entitlement to the Organisation's services.

31. Thus by a "country of former habitual residence" is meant the country which a person left when he became a refugee or displaced person or the country to which, as a *réfugié sur place*, he refuses to return.

32. It remains to be noted that a person may have two countries of "former habitual residence". For example, a pre-war refugee (Nansen) of Russian origin living since 1925 in France but not naturalized is stateless; he has no country of nationality, but Russia is his country of former habitual residence so far as his status as a pre-war refugee is concerned. If he was then deported by the Germans to Germany during the war, France is his second country of former habitual residence.

33. It was the practice of Governments under the pre-war conventions to assimilate the status of the stateless children of statutory refugees to that of their parents. The children of stateless statutory refugees remain stateless in countries such as Germany and France where the *jus soli* does not apply. As a humanitarian extension of constitutional principle, the same practice should apply now where it is desirable for the welfare of the applicant. Thus the child, born in Germany, of "Nansen" refugees could, other things equal, be within the mandate, in spite of the fact that he has all his life lived in Germany and has no other habitual residence. It would need to be carefully examined, however, that such a person was not firmly established in Germany (which is most probable); further, if such a person was in the German Army, there is a strong presumption of voluntary assistance to the enemy forces; acquisition of German citizenship is another possibility.

F. DÉSERTERS

34. Desertion being under no circumstances an extraditable offence, it becomes relevant under IRO Constitution to the extent which it provides evidence of valid objections to repatriation, under Part I Section C of Annex I to the Constitution (see Chapter IV). Fear of punishment by itself is not a valid objection (37) and thus desertion merely from dislike of the rigours of military life will not provide grounds for valid objection. On the other hand a deserter will almost certainly be liable for punishment for his desertion, and this fact should not blind the Eligibility Officer to an otherwise valid objection (38). The fact of desertion may moreover be good evidence of a valid objection on political grounds (unwillingness to fight for opposed regime); desertion may also be evidence of a conscientious objection to fighting, and be thus an element substantiating a fear of persecution on religious grounds.

35. It should be borne in mind that even a deserter with valid objections is not necessarily within the mandate; he may be excluded under Part II, paragraph 6 (c) as a non-demobilised member in "the military or civil service of a foreign State" (39). Such for example would be the case of a Polish deserter from the British Forces who has not been demobilised even *in absentia*. On the other hand, a person is not "in the... service of a foreign state" if he is a member of or a deserter from the forces of his own state.

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(37) *Geneva 4538*: Petitioner was a 23-year old Hungarian who fled from his country in June 1946. He was called up for military service and claimed to have heard rumours that all young men in the army would be sent to Russia. Ruled that petitioner was not within the mandate, fear of punishment on the grounds of desertion not being a valid objection to repatriation.

(38) *Geneva 6535*: Petitioner a Serb from Zabari, aged 21, having stated first that he had remained at home on his father's farm until December 1944 (CM/1 Form Italy) and later that he had served in the Chetnik youth Brigade from May, 1943, afterwards claimed to have joined the First Brigade Morava of Chetniks in May 1943 and to have fought with them until September 1944, when he returned home. He then joined the partisans and served with the Communist Army until February 1946 when he escaped to Italy.

Petitioner claimed that his life would have been in danger in Yugoslavia because he was an ex-Chetnik, but such claims cannot be accepted as Petitioner had lived in Yugoslavia and served after September 1944 for more than one year in Tito's Army where his Chetnik activity was fully known.

On the other hand, although Petitioner was certainly a deserter whose reasons for refusing repatriation were partly based on fear of punishment, the fundamental reason why he left his country was that he could no longer agree with the political regime. He stated these reasons when he was questioned for the first time and on that point he has never varied since. His explanations convinced the Board that he had genuine political objections, and the circumstances that he happened to be in the Army at the time when he found it impossible to continue living in Yugoslavia, should not have resulted in excluding him from assistance.

Petitioner was found to be within the mandate of the Organisation.

(39) *Geneva 1816*: Petitioner was a Pole living in Beirut who had deserted from the "Anders" Polish Army under British Command. He had not been discharged, apparently because of the charge of desertion against him.

(Note that in some similar cases, the Poles concerned have been demobilised *in absentia*, and in such circumstances they could, *ceteris paribus*, be found to be within the mandate.)

CHAPTER III

CONSTITUTION Annex I - Part I

Sections A and B

1. Section C of Chapter I above described the logical processes in determining who is the concern of the Organisation. In Sections A and B of Part I of Annex I to the Constitution, the terms "Refugees" and "Displaced Persons" are defined for the purposes of the Constitution. The first stages in the logical processes were therefore described as the ascertainment of whether an applicant comes within any of the categories of refugees or displaced persons defined in those Sections. Whatever his other circumstances, an applicant cannot be within the mandate unless he comes within one of those categories.

2. SECTION A — DEFINITION OF REFUGEES

VICTIMS. — 1. "Subject to the provisions of Sections C and D and of Part II of this Appendix the term "Refugee" applies to a person who has left or who is outside his country of nationality or former habitual residence, and who, whether or not he has retained his nationality, belongs to one of the following categories :

"(a) victims of the Nazi or Fascist regimes or of regimes which took part on their side in the Second World War, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not."

3. Victims are not only those who were actually victimised, but also those who were threatened with persecution or who would have been, had they remained in a Nazi or Fascist governed country. The reasons for persecution might be racial, religious, or political. However, the mere fact that a person has been interned in a concentration camp is not in itself sufficient reason to obtain IRO protection; many German common criminals were interned in concentration camps (where some served as "Blockälteste" and were even more savage than the guards themselves). A distinction should be drawn between the "victims of the Nazi or Fascist regimes" falling under this paragraph on the one hand, and on the other hand the "victims of Nazi persecution" falling under Section A paragraph 3 (see page 17). In this paragraph victimisation is to be regarded as any threat; membership of a threatened group or class is adequate. In paragraph 3 on the other hand the persecution should be an actual one directed at the individual in person.

4. The usual cases need no illustration. Sometimes more odd circumstances arise (1). It should be remembered that among the victims of the Nazi régimes were many persons of German ethnic origin; they are not excluded from the Organisations

(1) *Geneva 1937*: Petitioner was born in Bavaria of Austrian parents and lived in Munich until the age of 10. In 1930 he moved to Istanbul and established his home there, being employed by a member of the Turkish Foreign Office. Petitioner made several visits to Germany in the company of his employer, but in 1937 being in danger of arrest by the Gestapo he fled from Germany to Czechoslovakia whence he returned to Turkey. He had not been in Germany since. Whilst in Turkey he was called for military service by the Germans, and on refusal was served with deportation papers at the instance of the German Ambassador. He left Turkey, served during the war with allied intelligence services and being regarded as an Austrian he was after the war repatriated by the allies to Austria, where he made application to the Organisation. He asked to be repatriated to Turkey, and was ruled at first instance not within the mandate because of his German ethnic origin.

On appeal, his story, which was documented, was accepted as showing petitioner to be a genuine opponent of the Nazis who had been persecuted, and the first decision was reversed.

concern on account of their ethnic origin unless they fall under paragraph 4 of Part II of Annex I to the Constitution; that paragraph (see Chapter VI) does not exclude all persons of Germanic origin.

Rare cases from the Organisation's point of view which should, however, not be neglected are the victims of the Japanese (2).

5. SPANISH REPUBLICANS

"(b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not."

6. The mere fact of being a Spaniard outside Spain does not bring a person into this category (3) nor do all Spanish Republicans living abroad necessarily come into it. Only the victims of the Falangist regime are the concern of IRO. These are the supporters of the Spanish Republican Regime who fled into France or other countries during the Spanish Civil war or at a later date, political opponents of the Franco regime who have escaped from Spanish camps and prisons or the threat of them, and similar persons, irrespective of whether they enjoyed international status as refugees before 1940.

7. PRE-WAR REFUGEES

"(c) Persons who were considered "refugees" before the outbreak of the Second World War, for reasons of race, religion, nationality or political opinion."

8. This category includes the following groups of pre-war refugees, who emigrated before the Second World War for reasons of race, religion, nationality or political opinion, including so-called *réfugiés sur place*, i.e. persons who, having left their countries of origin for various purposes, decided to remain outside for reasons above, and thus were recognised as refugee :—

- (a) "Nansen" refugees—Russians, Armenians, Assyrians, Turks, Saarlanders, as defined in the Arrangements of 12 May 1926, 30 June 1928 and 30 June 1935.
- (b) Refugees from Germany, as defined in the Convention of 10 February 1938; refugees from Austria, as defined in the Additional Protocol of 14 September, 1939.
- (c) Refugees from Sudetenland, as defined in the Resolution of the Council of the League of Nations dated 19 Jan. 1939.
- (d) Any other refugees—whether *de jure* or *de facto* stateless who were refugees before the war although they did not belong to a recognised category of refugees and who have continued to be refugees in spite of the changed circumstances.

9. The definitions of the above categories of refugees as laid down in the various Arrangements, Conventions etc., together with advice on their identification, are given in Chapter VII.

10. All the above groups of Refugees having been the concern of the League of Nations High Commission and the Intergovernmental Committee on Refugees, now fall under the mandate of IRO. By arrangements and conventions developed by the League of Nations the refugees were placed under special regime. The responsibilities of the preceding organisations have fallen upon IRO which has assumed their charges *en bloc* with the exception of those individuals who fall under one of the exclusion clauses of Part I or II of Annex I of the IRO Constitution.

11. The citizenship status of children in countries where the principle of *ius sanguinis* is a general rule, is determined by the status of the head of the family. Children of a stateless father are usually stateless. If a girl possessing German nationality marries a stateless person she becomes stateless according with the German Reich and State Nationality

(2) *Geneva 178*: Petitioner was a former Hungarian. She had lived in Java for 20 years and was interned there by the Japanese in September 1943. She claims that her internment was due to her Jewish faith. The Review Board ruled her within the mandate, noting that it was for the Administration to decide what form of assistance (other than legal and political protection, to which she was entitled) she should receive.

(3) *Geneva 1388*: Petitioner was a Spaniard aged 27 who left his country in July 1947. He worked in France for two months and then went to Belgium. He claimed that he left Spain because he could not live under the Franco undemocratic regime, but did not explain why he also left France and came to Belgium, which country, at the time of appeal, he also wanted to leave in order to go to the Argentine. Petitioner claimed that he could not return to Spain because he would be accused of harbouring feelings hostile to the present regime, of being a deserter from the army and of having left the country illegally. He also stated that life was too difficult and expensive in Spain.

Ruled that petitioner did not show that he was a Spanish Republican or a victim of the Falangist regime. Not within the mandate.

Laws of July 27, 1913. The laws of other countries vary considerably in respect of the changes in status of their nationals by marrying foreigners. It was the practice under the League of Nations to regard the children of refugees of the above pre-war groups as assimilated to the refugee-status of their parents, unless the children acquired definite citizenship by the operation of *jus soli* or naturalisation. This practice is continued by IRO (see Chapter II (E)).

12. One of the major questions that arises about pre-war refugees is to determine when they cease to be the concern of the Organisation. It should be remembered (see Chapter II (E)) that the country of former habitual residence of a refugee is the country from which he moved as a refugee or to which, as a *réfugiés sur place*, he refuses to return. Thus a pre-war refugee does not cease to be the concern of the Organisation merely because he is living in a country where he has resided for years. He does, however, cease to be its concern when, inter alia, he acquires a new nationality or when he is otherwise firmly established. This matter is fully discussed in Chapter V below; the general rule is that a person, once a refugee, does not cease to be a refugee on the grounds that he is firmly established so long as he might require assistance to overcome disabilities resulting from his refugee status. Similarly a pre-war refugee who has lost his status under pre-war Convention or Arrangement by naturalisation may well be within the mandate as a result of a new displacement (4). A pre-war refugee who has lost his Conventional status by naturalisation does not necessarily reacquire that status on becoming again stateless—"Nansen" refugees do not but German and Austrian refugees do—; this, however, does not prevent such a person coming within the IRO mandate (5).

13. It should be noted that a pre-war refugee may be not within the mandate if the regime from which he fled has changed (6). This is because of the continued necessity of expressing valid objections, a necessity that continues whether or not the applicant is stateless, as the objections must be to return to country of nationality or of former habitual residence. Nevertheless it should be remembered (see Chapter IV, below) that a pre-war refugee who has by long residence elsewhere lost all ties with his home country may successfully plead "compelling family reasons" as his objection to return.

14. It is particularly necessary in the case of pre-war refugees to draw a distinction between the determination that a person is within the mandate and the administrative decision that he may be given certain services (7).

15. "2. Subject to the provisions of Sections C and D and of Part II of this Appendix regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organisation, the term "refugee" also applies to a person, other than a displaced person as defined in Section B of this Annex, who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the Second World War, is unable or unwilling to avail himself of the protection of the Government his country of nationality or former nationality."

16. It has been a general practice in international relations to grant "asylum" to political refugees, and to resist attempts by their governments to obtain their surrender from the country where they had found refuge. Treaties concerning the extradition of criminals provide that only those persons who are accused of having committed crimes specifically mentioned in the treaty shall be surrendered. Therefore persons accused of acts—and in some cases crimes—which are merely political, cannot be surrendered.

17. This category of political refugees or dissidents comprises not only persons who have left their country because they disagreed with the political regime in power (8), or because of fear of persecution (9), but also persons who, after having left their country

(4) *Geneva 110*: Petitioner was an ex-officer of the Imperial Russian Army who had held a "Nansen" certificate until 1940 when he obtained Polish citizenship. During the recent war he was deported to Germany to work in a cellulose factory. Ruled within the mandate.

(5) *Geneva 411*: Petitioner was a pre-war refugee, formerly established and naturalised in Estonia. Ruled that he be considered stateless, and within the mandate.

(6) *Geneva 366*: Petitioner was a pre-war Italian refugee who had lived in France since 1929 and now wanted to migrate to Venezuela. Ruled that he could not be considered within the mandate as the Fascist Government of Italy no longer existed.

(7) *Circular Letter 95/1/NAN of 6 October 1948 from HQ Geneva*: "In the British Zone of Germany where an estimated 10,000 Nansen refugees are living, the majority who have applied to date have been found to fall within the mandate of the Organisation. The only services, however, which they have been granted are those of legal protection. On the other hand a number of Nansen refugees who were situated in the British Sector of Berlin were also found to be within the mandate of the Organisation, but because of the circumstances of their cases, legal protection, care and maintenance and resettlement services were extended to them."

(8) *Geneva 1029*: Petitioner was a Hungarian, 33 years of age, who had studied law at Budapest University. In 1945, after hostilities, he was employed by Budapest Police Headquarters in the Intelligence section, and because of his knowledge of Russian was transferred to the Prime Minister's Office as Liaison Officer to the Russian Section of the Allied Control Commission. When the Prime Minister, Nagy, left Hungary on 14 May 1947 he requested a passport for petitioner who succeeded in following him month later, going to Italy where he remained.

Petitioner had left Hungary as a political emigre without fear of persecution; he was found not to be excluded from IRO concern and to have valid objections to repatriation. Ruled within the mandate.

(9) *Geneva 485*: Petitioner was a Pole who was formerly a forced labourer in Germany. On his liberation by Polish troops, he returned to Poland. Being an opponent of the Communist regime, he states, he was imprisoned by the political police in Katowice in July 1947. He escaped from prison and entered Germany illegally in October 1947. He bore signs of ill-treatment corroborating his story that he had been beaten by the Polish police. Ruled within the mandate.

for other reasons, have found, whilst staying abroad, that they would be incapable of adapting themselves to the political conditions at home. Such are, for instance, persons who originally left their country of their own free will (10), soldiers who were taken prisoners of war (11), persons who left for economic reasons or who were evacuated etc. (12), who may have subsequently decided to remain abroad because of political objections that have arisen after leaving their country of origin. Persons who were deported for slave labour or displaced, may also come under this category, if during their stay abroad, political objections against returning home have arisen in their mind (13) (see also Chapter II, Section E, paragraph 30).

18. It is evident that a person may come under this paragraph without having been a victim of persecution by Nazi and similar regimes. Political opponents of regimes which are in power in their country come under this category.

19. To come under the provisions of Paragraph 2, a person must be either unable or unwilling to avail himself of the protection of his government. (For the meaning of the word "protection" see Chapter V.) A person is "unable to avail himself of the protection of his government" when his government refuses to recognise him as a citizen or when it refuses to accept him on national territory (14). Part I Section A (2) begins with the words, "Subject to the provisions of Section C..." It is obvious that Section C does not apply to persons who are unable to return but only to persons who are unwilling to return home.

20. It goes without saying that a person who fears to return to his country because he would be punished there for desertion or crime is not "unable" to return.

21. A person is "unwilling to avail himself of the protection of his government" when he is out of sympathy with the regime, and refuses to return home. It is evident that the objections which he holds against the Government must be very strong if they can induce him to become a stateless person deprived of government protection, legal right of residence, and legal status. The conditions under which refugees and displaced persons will become the concern of the organisation (adequate information and valid objections) are explained in Section C hereafter.

22. The words "as a result of events subsequent to the outbreak of the second world war" refer to events which have happened after 3 September 1939 such as changes in the regime of a country, changes in the map of Europe, transfer of population, acts of civil and military authorities, surrender of combatants, in other words, all factors which have affected the country of origin or the person of the refugee since the outbreak of World War II.

23. Thus a Soviet citizen who has left the Soviet Union at any time (before, during or since the recent war) may come under the provision of this clause and be within the mandate if he otherwise fulfils the Constitutional provisions and provided any events have occurred since 3 September 1939 to affect his view of the Soviet Union (15). Such events may have affected his view by a process of accretion whose individual stages may have been almost imperceptible. (Soviet citizens may of course come within other provisions, for example Section B which is described below).

24. The question whether the reasons for the unwillingness or the inability must have existed *before a certain date* is one which need not be considered under the present IRO policy. No time limit after which "events subsequent to the outbreak" would cease to be effective has been set up. Date lines previously imposed by UNRRA or by Governmental or occupational authorities have no bearing on IRO status. Post war events, such as the transfer of territory by Peace Treaty, can for example be invoked under this clause (16).

25. "3. Subject to the Provisions of Section D and of Part II of this appendix, the term "refugee" also applies to persons who, having resided in Germany or Austria and being of Jewish origin or foreigners or stateless persons,

(10) *Geneva 1790*: Petitioner was a Latvian who had been in the Latvian Consular Service before the war. In 1940, on the Soviet occupation of Latvia, she refused to continue service because many former consular officers had been arrested, and took her discharge in Germany. There was no conclusive evidence of assistance to the enemy forces, petitioner expressed valid objections to repatriation and was ruled within the mandate.

(11) In addition to many cases of members of the Royal Yugoslav Army, there are more usual ones, for example *Geneva 1066*, where petitioner was an Albanian who joined the Albanian nationalists in 1941 to fight the Germans and Italians. He was imprisoned by the Germans. Within the mandate.

(12) *Geneva 2154*: Petitioner, a mechanic, was born in Hungary. In December, 1944, he was evacuated with the other employees and material of the factory to Austria where he was remained since. He expressed valid objections to repatriation and was ruled within the mandate.

(13) *Geneva 914*: Petitioner was a Serb who had suffered at the hands of the Ustachi during the war and had been taken by the Germans for forced labour. He expressed valid objections to repatriation and was ruled within the mandate.

(14) *Geneva 4336*: Petitioner was born in Graz (Austria) in 1915. His father who came from Venezia Giulia had Austrian citizenship and after the Treaty of St. Germaine did not obtain any other. In 1920 the family moved to Zagreb (Yugoslavia) and the father became an officer in the Yugoslav Army. He was recognised as Yugoslav, but learned in 1936 that he was not a Yugoslav citizen in law. In 1939 he, his wife and his minor children became naturalised Yugoslav citizens, but petitioner who attained his majority in 1936 was not included. Petitioner has been rejected as a citizen by the Yugoslav, Italian and Austrian authorities. Being in Austria, he was ruled to be outside his country of former habitual residence (Yugoslavia) and unable to avail himself of any governmental protection. Within the mandate.

(15) *Geneva 78*: Petitioner was a citizen of U.S.S.R. who had been a high official of the staff of the Russian Military Administration in Berlin from the middle of 1945 until his flight in 1947. He had assumed a false name and claimed Estonian citizenship which on interview he admitted to be false also. His objections to repatriation were adjudged valid and he was ruled to be within the mandate.

(16) *Geneva 963*: Petitioner in Italy was a Slovene from the area of Venezia Giulia transferred from Italy to Yugoslavia under the terms of the recent Peace Treaty. He was formerly an Italian, but as he was not Italian-speaking has become a Yugoslav citizen by the operation of the Peace Treaty. He substantiated his valid objections against repatriation and was ruled within the mandate.

were victims of Nazi persecution and were detained in, or were obliged to flee from, and were subsequently returned to one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly established therein."

26. This provision refers to persons who :

- (a) have resided in Germany and Austria,
- (b) are residing in Germany or Austria at the time of application,
- (c) are of Jewish origin, foreigners or stateless persons. (In this connection "foreigners" refers to persons who are not Germans in Germany.)
- (d) were victims of Nazi persecution,
- (e) have not yet been firmly resettled.

27. It confers upon persons who have been the victims of actual persecution, the right of refusal to continue living in the country where they suffered, even if they have no other "valid objections" against living there.

28. It is evident that this clause is an exception to the general rule insofar as it recognises as refugees a number of persons who are not outside their country of origin or who have returned or been repatriated, and therefore it should be interpreted in a narrow sense, i.e. not extended by analogy to further cases. It should be applied strictly (17).

29. All persons of Jewish origin of any nationality including German and Austrian (18), foreigners of any nationality (other than German) and stateless persons (19) are included under this clause. It should be noted in this connection that the term "Jew" is not restricted to persons defined as Jews by the Nuremberg laws but to any person partly Jewish, who is sufficiently Jewish to have been persecuted on that account and who can make plausible that he has suffered persecution (20). Non-Jews of German or Austrian citizenship are, however, not normally covered by the clause, whatever the persecution (21). Exceptions may occur on grounds of equity in respect of the non-Jewish widows of Jews who have been persecuted (22) though they would not be made if the widow were firmly established (23). A widower is more likely to be firmly established, and exception to the general rule should not normally be made in this case (24).

30. The actual form of persecution is immaterial—the clause is not limited to the survivors of concentration camps (25). The persecution must, however, have been actual persecution resulting in an actual pursuit of or personal threat to the individual concerned. This clause is, however, not applicable to anyone firmly settled in Germany or Austria (26) nor in general to a person who has been repatriated since the end of the war to Germany and Austria and now wishes to leave again, unless the existing wish to leave is related to the previous persecution and is not merely due to existing economic difficulties. The degree of firm establishment which would prevent this clause bringing a person within the mandate is difficult to lay down in theory. In general it can be said that a person who became unestablished as a result of Nazi persecution and who has not now achieved a tolerable livelihood should be regarded as not being firmly established for this purpose, but the facts of each case will need careful examination and each case should be dealt with on its merits.

31. It should be particularly noted that German or Austrian victims of persecution still in Germany or Austria are not within the mandate of IRO if they are neither Jews, foreigners nor stateless persons. They may, however, in deserving cases be assisted by certain voluntary agencies using funds obtained from German reparations and administered by IRO. The eligibility of persons for assistance from reparations funds is defined in the Common Plan adopted by the Five Power Conference on 14 June 1946; the instructions on the application of the Common Plan contain the following clauses on the eligibility under it of victims of Nazi persecution :—

(17) *Geneva 392* : Petitioner was in Germany, a German national, whose mother was a Jewess. He had been obliged to give up his employment as an opera singer in 1937 on account of the Nuremberg laws. He was not otherwise persecuted, because, as he stated, nobody knew he was a half-Jew. He had four children, all married and established. He did not wish to emigrate. It was ruled that the petitioner being a half Jew, half persecuted and half established was not a case to warrant exceptional treatment.

(18) *Geneva 710* : Petitioner was a German Jewish actress in Germany. She had been deprived of work during the Nazi régime, her brother had been arrested and had died during the evacuation of Dachau. Ruled within the mandate.

(19)(i) *Geneva 707* : Petitioner was a stateless person, holder of a grey Fremdenpass, in Germany where he had previously lived. He brought proof of two years imprisonment for political reasons. Ruled within the mandate.

(19) (ii) *Geneva 10623* : Petitioner was 40 years old, married, with one child, born a German in Germany and not of Jewish origin. He had left Germany in 1936 following a violent quarrel during which he had expressed anti-Nazi sentiments to an SS-officer. He went to France and joined the Foreign Legion. In 1941 the Germans successfully demanded the delivery of all Legionaries, of German origin and petitioner had been brought to Germany, condemned to 12 years imprisonment, his sentence being commuted to forced labour under police supervision. Accused of sabotage, he was drafted into a disciplinary battalion of the Wehrmacht, sent to Russia, where he had deserted and returned to Germany. Under German law, petitioner had lost his German citizenship on a result of his service in the Foreign Legion. Petitioner was found to be a persecuted stateless person in Germany against whom no reason for exclusion would lie and who was not firmly established in Germany. Within the mandate.

(20) *Geneva B 43* : One Petitioner was the non-Jewish wife of an Austrian Jew who had been obliged to flee to England in 1938 and who had now gone to Australia. Petitioner had refused to divorce her husband, had been obliged to flee from Austria to Italy and now wished to join her husband. Although she had returned to Austria, she was ruled within the mandate as the dependent of a person who had been persecuted. (This should be noted as an exception to the rule on dependents under which wives are considered separately when actually separated from their husbands).

The second petitioner was the daughter of the first petitioner, and was ruled within the mandate as a half Jew. The fact that she was Roman Catholic by religion was immaterial.

(21) *Geneva 4114* : Petitioner was a non-Jewish German born in Berlin who had always lived in Germany. He brought proof of persecution including imprisonment, but was ruled not within the mandate.

(22) *Geneva 4071* : Petitioner was the non-Jewish widow of a German Jew who had been arrested by the Nazis and had disappeared. She had a son of eighteen years, but was not firmly established in Germany and did not wish to stay there. Within the mandate.

(23) *Geneva 4156* : Petitioner was the non-Jewish widow of a German Jew who had died in Auschwitz. She had a son who had been condemned by the Nazis to three months in a labour camp and a daughter who had not been allowed by the Nazis to attend university. Nevertheless she continued to live in Germany where she had property and her children had finished their schooling : she lived with her old and infirm mother and was ruled to be manifestly firmly established. Not within the mandate.

(24) *Geneva 4122* : Petitioner was a non-Jewish German whose Jewish wife had been persecuted to death by the Nazis : he himself had also been persecuted. Not within the mandate.

(25) *Geneva 4309* : Petitioner, born in 1913, was a German whose father was a Jew but whose mother was not. He claimed that after 1936 he was not allowed to carry on the family export business outside Germany, nor allowed to leave Germany. He claimed that under the Nuremberg Laws he lost his rights as a German citizen, that he

was excluded from military service and that only through the influence of non-Jewish friends was the business continued until February 1944. At that time petitioner was denounced as a Jew, his business closed and he was forced to take a job as a truck driver. He then learned that he was to be seized by the Gestapo for sending to Buchenwald, fled to Austria and hid in the mountains. Within the mandate.

(26) *Geneva 4164*: Petitioner was a Jewess married to a non-Jewish German. She produced evidence of persecution at the hands of the Nazis, but was found to be not within the mandate as neither she nor her husband had any intention of leaving Germany.

"True victims of Nazi persecution and their immediate families and dependents in the following classes :

1. Refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions.

2. German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of humanity to assist such persons to emigrate and providing they emigrate to other countries within a reasonable period."

32. 4. "The term 'refugee' also applies to unaccompanied children who are war orphans or whose parents have disappeared and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible assistance, including normally, assistance in repatriation in the case of those whose nationality can be determined." (See also Provisional Order 33.1.)

33. The expression "Unaccompanied Children" means children who fulfil the six following conditions. They must be :

- (a) 16 years of age or under, *i.e.* a child is outside the definition of "Unaccompanied Children" from the date of his 17th birthday.
- (b) Outside their countries of origin or of that of their parents.
- (c) Orphans or children whose parents have disappeared or who have been abandoned or whose parents are unattainable.
- (d) Not provided with a legal guardian¹; or children whose guardian has disappeared or abandoned them, or who is unattainable.
- (e) Not accompanied by a close relative (adult brother, sister, uncle, aunt, or grandparents).
- (f) Children in respect of whom there exists a presumption that they belong to one of the categories of refugees or displaced persons in respect of whom IRO has been established.

34. Unaccompanied children are within the mandate irrespective of any other conditions or requirements; the mere fact that they are unaccompanied children, as defined above, is enough to make them within the mandate; sections C and D of Part I as well as Part II of Annex I to the Constitution are, for example, irrelevant. It has thus been necessary to make condition (f) above; the categories of refugees or displaced persons in respect of whom IRO has been established are those described in Section A, paragraph 1, 2 and 3 and in Section B of Part I of Annex I to the Constitution (*i.e.* victims of the Nazis, Falangists and similar regimes, pre-war refugees, persons displaced by the Nazis and similar regimes, political dissidents and others unable to avail themselves of governmental protection).

35. When the age of a child cannot be ascertained, the opinion of a Medical Officer will be sought.

¹ It may be found that some children of non-German origin have been provided, as a result of Nazi legislation or practice, with German guardians, the purpose of Nazi action in this respect being to Germanise the children. In such cases, although the guardianship is presumably legal, the existence of a guardian of this sort should be disregarded so far as the children otherwise falling in this paragraph are concerned.

36. The nationality of a child will be presumed to be as follows :

- (a) A child of legally married parents will be presumed to possess the nationality of his father.
- (b) A child of unmarried parents will be presumed to possess the nationality of his mother.
- (c) When the nationality of his parents is unknown the child will be presumed to be of undetermined nationality unless his nationality can be otherwise determined.

Unaccompanied children are eligible for :

- (a) repatriation if their nationality can be determined,
- (b) any other form of assistance.

37. Unaccompanied minors over 16 years of age—*i.e.* those who have attained their 17th birthday—should be treated as adults.

38. SECTION B—DEFINITION OF DISPLACED PERSONS

"The term "displaced person" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, Section A, paragraph 1 (a) of this Annex has been deported from or has been obliged to leave his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organisation subject to the provisions of Sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article 2, paragraph 1 (a) of this Constitution, and subject to the provision of paragraph (c) subparagraphs (ii) and (iii) of the General Assembly resolution of 12 February 1946 regarding the problem of refugees (Annex III)."

39. The problem of displaced persons is a result of the Second World War. The above category is restricted to include persons who left their countries of nationality or habitual residence forcibly, or under compulsion, threat, or duress of the Nazi, Fascist or similar regimes, and for forced labour or for racial, religious or political reasons.

40. All those who do not come under the definition of Section B are not Displaced Persons. A displaced person should normally return to his country when the reasons for his displacement were those mentioned above, since it may be presumed that such reasons have ceased to exist. If, however, a displaced person refuses to be repatriated, he may remain within the mandate of the IRO (and thus be resettled or otherwise assisted, as appropriate) providing his reasons for refusing to be repatriated constitute "valid objections" such as are described in Section C of Part I of Annex I to the Constitution (27) (See Chapter IV, below). If a displaced person refuses repatriation for reasons which are judged invalid then he is free to choose his own mode of action, but is not to be considered within the mandate.

41. A person's movements subsequent to his displacement do not affect his status as a displaced person (28), nor, of course, does it matter whether he was displaced.

(27) *Geneva 132* : Petitioner was a Ukrainian of Polish citizenship who had lived in Lemberg and Zakopane until 1944 when he was forced to work on railway works. The works were transferred to Oppeln (Germany) in October 1944 with their whole staff. In February 1945 petitioner was transferred to Radldorf Camp. Petitioner was ruled to be a displaced person and to have expressed as his objection to repatriation a fear of persecution which he had substantiated on interview : within the mandate.

(28) *Geneva, B. 125* : Petitioner was a Ukrainian who had been deported by the Germans in March 1942 for forced labour to Roumania and from there to Austria. He had finally been sent to France for trench-digging, but had fled, joined the French partisans and had been in action against the Germans. On being forcibly repatriated to the Ukraine in September 1944, petitioner had again fled, reported to the French Police, had been sent to the International Camp in Marseilles and from there to Naples as a presumed prisoner of war because he could not prove his participation in the French resistance. In December 1947, petitioner had obtained a certificate establishing his service with the Forces Françaises Indépendantes.

Petitioner was ruled to be a displaced person with valid objections against repatriation and within the mandate.

SECTION C - CONDITIONS UNDER WHICH "REFUGEES" AND
"DISPLACED PERSONS" WILL BECOME THE CONCERN
OF THE ORGANISATION

In the case of all the above categories of persons mentioned in
Section A paragraphs 1 (a) and 2 of the Annex persons will become the
concern of the Organisation in the case of the Resolution adopted by the
Council and the Commission in its February 1946 report if they can be repatriated
and the help of the Organisation is required in order to provide for them
repatriation or if they have definitely in complete freedom and their repatriation
will be subject to the help of the Organisation. Information from the Govern-
ments of their countries of nationality or former habitual residence, approved
with reference to persons in their countries.

Persons may become the concern of the Organisation in one of two circumstances
only. One way provides for persons who are in the hands of the Organisation and are
being in the hands of persons of various and displaced persons who are being
repatriated (1) and in cases of whom the help of the Organisation is required (2).
The other way is for those who refuse repatriation. It is not open unless the individual
has been repatriated with objection to repatriation based on adequate information.
It should be remembered that a person may be a refugee or displaced person
according to Section A or B under the Geneva Convention. This is because
it would not be true to say that all persons willing to be repatriated because the concern
of the Organisation (1).

The adequate information must provide valid objections if it is proper to consider
them in this order.

(4) Adequate information - The following shall normally be con-
sidered "adequate information" information regarding conditions in the countries
of residence of the refugees and displaced persons concerned, submitted
to them directly by representatives of the Government of their countries,
who shall be given every facility for visiting camps and suitable centres of
refugees and displaced persons in order to give such information before them.

CHAPTER IV

CONSTITUTION Annex I - Part I

Section C

Valid Objections

**SECTION C — CONDITIONS UNDER WHICH “REFUGEES” AND
“DISPLACED PERSONS” WILL BECOME THE CONCERN
OF THE ORGANISATION**

1. “1. In the case of all the above categories except those mentioned in Section A paragraphs 1 (b) and 3 of this Annex, persons will become the concern of the Organisation in the sense of the Resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organisation is required in order to provide for their repatriation, or if they have definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.”

2. Persons may become the concern of the Organisation in one of two constitutional ways. One way provides for those *who can* (i.e., as forcible repatriation is not now normal policy in the countries of residence of refugees and displaced persons, *who are willing*) be repatriated (1) and in respect of whom the help of the Organisation is required (2). The other way is for those who refuse repatriation; it is not open unless the individual concerned has expressed valid objections to repatriation based on adequate information.

3. It should be remembered that a person must be a refugee or displaced person according to Section A or B before this Section C begins to be applied. Thus for example it would not be true to say that all persons wishing to be repatriated became the concern of the Organisation (3).

4. As adequate information must precede valid objections it is proper to consider them in this order.

5. “(b) *Adequate Information.* — The following shall normally be considered “adequate information”; information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the Governments of these countries, who shall be given every facility for visiting camps and assembly centres of refugees and displaced persons in order to place such information before them.”

(1) *Geneva 4204*: Petitioner was a Slovene who fled into Austria in May 1945, alone; she believed herself a widow. There was no indication of German ethnic origin. She claimed that she had applied for repatriation and was awaiting an answer from the Yugoslav authorities. Ruled within the mandate, eligible for repatriation only.

(2) *Geneva 4126*: Petitioner was an Italian who had lived in France working as a mason until 1944. He was then taken to Germany for forced labour. He wished to be repatriated to Italy, had an identity card issued by the Italian Repatriation Mission in the French Zone of Germany and had the promise of repatriation to Italy by the Italian authorities. Ruled to be a displaced person but not within the mandate because, although he wished to be repatriated and could be, the Organisation's help was not needed.

(3) *Geneva 4124*: Petitioner was an Italian who had lived in France from 1925 to 1937 when he was expelled. He then worked in Luxembourg until 1940 when he went on his own account to Germany because, as he stated, work was easier to find and more remunerative. Now, as he could not find work in his own professional category, he wished to be repatriated. Ruled to be neither a refugee or displaced person and not within the mandate.

6. Adequate information includes :

- (a) all printed material furnished by the governments of the countries of origin and distributed in a manner which one could expect to reach all displaced persons, and
- (b) information given directly to the displaced persons by representatives of the Governments of the countries of origin.

7. The intent of this provision was to make sure that no refugee or Displaced Person was prevented from returning home by propaganda against repatriation. The responsibility for providing "adequate information" rests with the Governments of origin, but the responsibility of IRO is to "open the door" for adequate information. It will be observed that whereas some refugees and Displaced Persons have already received "adequate information", others have not.

8. In view of the fact that there is a considerable discrepancy in all IRO areas of operation regarding adequate information about conditions in countries of origin, it will be the responsibility of the Chiefs of Field Offices to determine who in their area has or has not received such adequate information. Before a Chief takes a decision regarding adequate information he will make sure that the Organisation's policy has been executed, as laid down in Provisional Orders No. 21 and 80 and any subsequent directives which may be issued in implementation of those orders.

9. It would, however, be against the intention of the Constitution to delay unduly the rendering of assistance when the Government of origin is unable, or unwilling to do its part; for "it should equally be the concern of the Organisation to ensure that no *bona fide* and deserving refugee or Displaced Person is deprived of such assistance as it may be in a position to offer". (Para. 1 (f) of General Principles of Annex I.)

10. "(a) *Valid Objections.* — The following shall be considered as valid objections :

- (i) Persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations.
- (ii) Objections of a political nature judged by the Organisation to be "valid" as contemplated in paragraph 8 (a) of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.
- (iii) In the case of persons falling within the category mentioned in Section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution or compelling reasons of infirmity or illness."

11. It is valid objections which enable a distinction to be drawn between refugees proper and simple migrants. The judgment of the validity of expressed objections is at once the crucial and the most difficult point in determining whether an individual is within the mandate or not. Not only is proof or disproof extraordinarily hard but also motives of the objector are usually mixed and the expressed statement likely inadequately to represent the true objection or to contain relevant points by implication only. Every attempt should be made to discover what are an applicant's real objections, not only the ones he happens (perhaps by misjudging the Organisation's requirements) to express. The fact that a person has been a refugee for years and is willing to remain one raises a presumption that, at least in his own eyes, his objections are adequate. It is probably

too much to expect that there will ever be complete uniformity in the judgment of different Eligibility Officers. It is possible to refer cases of doubt to the Review Board, but this procedure is not desirable as a general rule, because it tends to put undue work on the Review Board. It may be adopted, however, in the more difficult cases, but care should be taken to see that among the papers presented to the Review Board is a full statement of the position as seen by the Eligibility Officer concerned.

12. The Constitution expressly mentions two categories of refugees for whom the necessity of expressing "valid objections" has been dispensed with. They are:—

- (a) Spanish Republicans, so long as the Falangist regime continues (Part I, Section A, paragraph 1 (b)).
- (b) Victims of Nazi persecution defined in Section A, paragraph 3 who are in Germany and Austria.

13. It should in the first place be made clear that, whether a person wishes to be repatriated or not, valid objections are irrelevant when he is unable to be repatriated (4). Such circumstances sometimes arise from conflict of citizenship laws (5), or because of the absence of representation of the home government of the refugee concerned in the area where the refugee is living. In such cases the certificate of the Repatriation Division that repatriation is in fact impossible should be accepted.

14. Next it should be noted that if a person has more than one country of former habitual residence, he must express valid objections to return to all of them if he is thus to become the concern of the Organisation (6).

15. There is a colossal variety of objections that are expressed but are not valid for the Organisation's purposes. Clear and exclusively economic considerations are, of course, no use (7) whether they advert to bad conditions at home (8) or bright hopes in the western world (9); lack of housing has been expressed (10) as well as the uncertainty of work in somewhat specialised occupations (11). Nevertheless, in so far as Communism is both a political and economic doctrine, valid political objections may be expressed in an economic form; the validity of such politico-economic objections is particularly hard to judge; they are expressed often by small-business-men whose livelihood has been removed by the recent changes in eastern Europe; mere loss of livelihood cannot be accepted as anything other than economic, and thus is invalid; if, however, loss of political rights is alleged and substantial then a valid objection is possible (12). This should be considered along with the consideration of purely political objections (below). An economic objection is equally invalid whether it adverts to there being either no work or too much work at home (13).

16. The second major category of invalid objections are those which express purely personal factors. Clear cases are those of family feuds (14) and quarrels (15), the desire to join a relation abroad (16) or not to rejoin one's family at home (17). Some men refuse to be repatriated because they prefer to live where they are with their wife (18) or some other woman instead (19); and lest it be thought that desertion is the exclusive prerogative of men it should be pointed out that a woman's distaste for living with her husband is not valid objection either (20). Some reasons are most pathetic, but "hard cases make bad law" and they cannot be admitted (21). In some of these circumstances, for example when an applicant states that he has no home or family to return to, the objections might well be valid if expressed by a pre-war refugee or a victim of persecution, being "compelling family reasons" (see below).

17. A third series of cases are those in which the applicants express as their objections to repatriation a fear of punishment. In the majority of cases such objections are not valid, in some cases because there would probably be no punishment at all (22), in others because the event in respect of which punishment is feared has no bearing on the political, racial or religious matters that are basic to a true refugee's position. This is the case in respect of common deserters (23) and persons who refuse military service (24), of traitors,

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(4) *Geneva 4398*: Petitioner was a Slovene who was taken to the border by the OZNA and forced to enter Austria in May 1945 after having been awoken in the middle of the night and given ten minutes to dress and pack. She had several times applied to return to Yugoslavia where all her family is still residing and they had also applied in Yugoslavia, but in vain. She still applies for repatriation but is unable to obtain the protection of her Government. It seemed probable that her expulsion had been based on the presumption that she was a Volksdeutsche. The criteria which were used in Yugoslavia to determine German ethnic origin were not known, but it was clear that she was not of German ethnic origin according to the criteria used by I.R.O. Similarly, there was no indication that she should be otherwise excluded. She was ruled to be a refugee who could not be repatriated and within the mandate.

(5) *Geneva 2201*: Petitioner was a farm labourer born in the Banat. He had been employed in Hungary until 1944 when he was sent, as he claimed, compulsorily to Austria accompanied by his wife and daughter. Petitioner was willing to return to Roumania but was not acceptable there, having acquired Hungarian nationality as a result of the 1940 territorial changes; he was not acceptable for return to Hungary, being there considered a Roumanian. Within the mandate.

(6) Extract from policy letter of 6th October, 1948, from I.R.O., Geneva (Reference IRO/HCM/WEL/13: 95/1/NAN):

"It is possible for a person who has been displaced twice to have two countries of former habitual residence. A Nansen refugee resident before the war in France and displaced into Germany during the war would be in this position Assuming the French Government would admit him, that person would have to show valid objections if he were to be our concern on his refusal to return to France. There might be exceptions to this general rule, however. Take the example of the Nansen refugee from France who is in Germany. If all he requires to resettle to the U.S.A. is a travel document, and he is capable of paying for his passage, we might then assist him to this extent".

(7) *Geneva 4250*: Petitioner was a Hungarian who had never engaged in politics. He left Hungary in October 1944 as part of the westward movement ordered by the Hungarian Government and continued in Austria his work as a leather expert. He stated that he had intended to migrate ten years ago but was prevented from doing so by family matters. His motives were regarded as economic and he was ruled not within the mandate.

(8) *Geneva 4314*: Petitioner was a 30-year old Hungarian farm labourer, who had been conscripted into the Hungarian Army and had come to Austria with his unit in 1945. He stated that he refused repatriation because he had no relatives at home, the economic conditions were bad and it was hard to earn a living. Not within the mandate.

(9) *Geneva 4323*: Petitioner was a 31-year old Hungarian tailor who claimed to have been taken by the Germans to dig trenches in 1945. He alleged that two of his relatives had been deported by the Russians, but could not substantiate the allegation. It was clear to the Board that he had compared the economic advantages of the West with those of the East of Europe and that he considered that emigration westwards was preferable. Not within the mandate.

(10) *Geneva 4166*: Petitioner was a Netherlands citizen of 53 years of age born in Holland where he had lived until 1942 when he went to work in Germany. Although there was insufficient real evidence of duress to justify the assumption that his going to Germany was involuntary, nevertheless his only objection to repatriation was that he wished to wait so that he could find a suitable dwelling. Not within the mandate.

(11) *Geneva 4239*: Petitioner was a 30-year old Hungarian professional jockey who left Hungary in September 1944 with his employer and a number of race horses. He refused to return to Hungary and wished to work abroad because there was no future for jockeys in Hungary. Not within the mandate.

(12) *Geneva 4597*: Petitioner was a glass-blower from Croatia who had been owner of a small workshop. He fled from Yugoslavia in 1944. He stated that he was unwilling

to return to Yugoslavia because the owners of all small enterprises were denied political rights and he was opposed to the system that imposed such restrictions. Within the mandate.

(13) *Geneva 4346*: Petitioner was a Roumanian from Bessarabia. Questioned in detail he stated that his objections to repatriation were that there was too much work in the U.S.S.R., that the Sabbath was not observed and that labourers were compelled to work week after week without rest. Not within the mandate.

(14) *Geneva 4335*: Petitioner was a 23-year old Croat of Northern Dalmatia who left his country in 1942. His father had lent some money to one of his nephews who, unable to pay his debt, joined the partisans for the purpose of murdering his creditor and his whole family. He began by murdering petitioner's sister, then shot his own grandfather in bed, so that the rest of the family fled, terrorized, to Austria where petitioner's father died in 1945. Petitioner has thus inherited some land and two houses in Yugoslavia but as he is absent his cousin (the alleged murderer) has been appointed custodian of the property and petitioner is convinced that he will murder him also if he returns to claim the property. It was ruled that that objection was not valid. (Petitioner did, however, express another and valid objection and was found within the mandate as a result.)

(15) *Geneva 4237*: Petitioner was a Slovak who had lived in Yugoslavia in poverty. In 1937 he had left home to work in Germany and 1941 moved to Spittal in Austria. At the end of the war he applied for repatriation and was sent to Spittal camp awaiting transport. There he quarrelled with two Communists and as a result feared to return to Yugoslavia because the two Communists might seek revenge. Ruled that that objection was not valid: not within the mandate.

(16) *Geneva 4491*: Petitioner was a Yugoslav who left his country on 7 January 1948. On interview he finally admitted that his brother left Yugoslavia the previous year and obtained work in England by applying to IRO and that he (petitioner) wanted to do the same. Not within the mandate.

(17) *Geneva 4268*: Petitioner was a Slovene woman of 46 who fled to Austria in May 1945 when the partisans captured her village. She had previously kept house for her brother, who had remained at home; her flight had been due to panic. On interview she stated that her brother was now married, that his wife was keeping house for him and that she would therefore not go back to live there any more. Objection not valid: not within the mandate.

(18) *Geneva 4095*: Petitioner was a Belgian who had lived in Luxembourg until 1941, when he was, he alleges, forced to work in Germany. He did not wish to be repatriated because, having married a German, he was living in his mother-in-law's house with his wife and prepared the stay there. Objection not valid: not within the mandate.

(19) *Geneva 4128*: Petitioner was a Yugoslav 34-years of age who alleged that he had been taken to Germany at the end of 1941 for forced labour. Although married in Yugoslavia, he had been separated from his wife for some years and was living in Germany with a German woman by whom he had had one child. He refused repatriation because he wished to stay with her. Objection not valid: not within the mandate.

(20) *Geneva 377*: Petitioner was a Croat woman who had gone to Germany in 1945 on account of domestic difficulties. Her only reason against return to Yugoslavia was that she did not wish to return to her husband. Objection not valid: not within the mandate.

(21) *Geneva 4546*: Petitioner was a Hungarian aged 82 who had left home in November 1944, because of the evacuation order and because his wife required medical attention. His wife had died in 1946 and he lived, old and infirm, in camp in Austria with the nearby grave of his wife as his sole attachment to the better world which they once shared. Petitioner's objections to repatriation—that he has no home in Hungary, that he is unable to work, that he would receive no pension and that he wants to remain near his wife's grave—were ruled not valid and petitioner was declared not within the mandate.

to return to Yugoslavia during the course of his work assignments were denied. Within the rights and he was opposed to the State that proposed that treatment. Within the

(17) Case 474: Petitioner was a Yugoslavian born American. Questioned in detail he stated that his objection to registration was that there was no merit with in the U.S.S.R. that the petition was not granted and that he was not permitted to work there without the necessary visa.

(18) Case 475: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(19) Case 476: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(20) Case 477: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(21) Case 478: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(22) Case 479: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(23) Case 480: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(24) Case 481: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(25) Case 482: Petitioner was a Yugoslavian born American. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years. He stated that he had been in the U.S.S.R. for a number of years and that he had been in the U.S.S.R. for a number of years.

(22) *Geneva 4409*: Petitioner was a Croat, 50 years of age, who had left Yugoslavia in May 1948 because he feared the partisans. During the war he had continued his work as a master plumber. On interview he gave as the reason for his flight and his objection to return that his son had been executed as a member of the Ustachis and that he feared for himself as the father. Objection not valid: not within the mandate.

(23) *Geneva 979*: Petitioner was a Serb who left his country in 1945. On interview he stated that his only reason for not returning to Yugoslavia was that he had deserted from the Army. Objection not valid: not within the mandate.

(24) *Geneva 4307*: Petitioner was a 25 years old Croat who had fled to Austria in May 1945. On interview he explained that his refusal to return home was founded on the bad conditions which prevail in Croatia—his brother-in-law had recently refused to report for work and had been sentenced to 6 months imprisonment—and that if he returned he would be conscripted in the Army or else sent to a camp. Objections not valid: not within the mandate.

(25) of persons who had been compulsorily enlisted in the German Army (26) and so forth. Similarly a number of applicants state that they would on their return be punished for their prolonged absence: such objections are not valid (27). It is no part of the function of the Organisation to protect persons from punishment for crimes committed in their countries of origin.

18. Nevertheless, giving the existing conditions, there is no large gulf fixed between fear of punishment and the fear of persecution that can be a valid objection to repatriation under 10 (i) above. For example, a fear of punishment for not joining the partisans is not, by itself, a valid objection (28), whereas if it is allied with clear political opinions it may well be (29), as the refusal to join the partisans would be evidence of a valid political objection. Similarly, desertion may be evidence of a valid political objection. Punishment for signing the German Volksliste (*i.e.* for collaboration) would not be a valid objection, but taken with other factors could be (30). In all these cases the complete facts must be known to allow the Eligibility Officer to form a coherent view and judgement; the political objection must, normally, be expressed.

19. As regards objections derived from "persecution or fear, based on reasonable grounds, of persecution..." it is neither incumbent upon nor possible for the Organisation to give its own independent and objective view about the conditions at present prevailing in some of the countries of origin of the Displaced Persons. Fear of persecution is to be regarded as a valid objection whenever an applicant can make plausible that owing to his religious or political convictions or to his race, he is afraid of discrimination, or persecution, on returning home. Reasonable grounds are to be understood as meaning that the applicant can give a plausible and coherent account of why he fears persecution. Since fear is a subjective feeling the Eligibility Officer cannot refuse to consider the objection as valid when it is plausible. As regards fear of persecution because of political opinions, the subsequent reference to the principles of the Preamble of the Charter of the United Nations is to be understood as ruling out any person whose fear of persecution is on account of his Nazi or Fascist convictions or of his belief in similar regimes associated with Nazism during the war.

20. A statement cannot be regarded as plausible when it is at variance with known (and specially with admitted) facts (31); fears may, however, be the basis of a valid objection even if they are unfounded provided they are not unreasonable (32); they would not be if they are obviously impossible (33).

21. It seems that the two major categories of grounds for fearing persecution are in the first place, that events which the applicant knows or believes have happened to others will happen to him and, secondly, that the applicant's past or present actions or affiliations (political, racial or religious) will result in discrimination or persecution.

In the first category come fears that persecution previously endured by the applicant will be repeated (34) or that the applicant might suffer the fate of his family (35) or of people in similar circumstances (36). In some cases the knowledge of the material events is a result of personal experience: in others it is obtained from letters (37)—which must, however, be relevant (38).

22. As regards the second category, the action must have been positive—refusal is insufficient (39)—and based on some position (political etc.) against which the feared persecution would be directed (40). Mere propaganda, however, is not adequately compromising (41). A similar distinction should be drawn in the not infrequent cases in which it is alleged that one who has since the war worked with the western allies (especially the Americans) will be regarded as a spy (42). The work itself, without ideological opposition to the home Government, would not validate an objection (43).

23. Membership of a political party is a positive act more than propaganda and if the party is one known to be subject to persecution by the existing regime then membership of it would give rise to a reasonable fear of persecution (44); clearly, membership of Organisations other than political parties which are in similar positions will have similar results (45).

(25) *Geneva 4259*: Petitioner was a 26 years old Slovene farm labourer who had fled to Austria in May 1945 because he had been accused by a woman of having denounced her husband as a Communist; the husband had in consequence been taken by the Germans to Dachau and had died there in 1945. Petitioner stated he would be charged before the courts with complicity in that deportation and that he therefore refused to return. As petitioner admitted that his reasons for refusing repatriation were that he would be indicted for treason or assistance to the enemy, he was ruled not within the mandate.

(26) *Geneva 2190*: Petitioner was a Slovene bricklayer who in 1942, when Slovenia was incorporated into the Reich, had been forcibly mobilised and had served in the German Army till the end of the war. Such service would not be considered by IRO to be voluntary assistance to the enemy forces. He stated that he feared imprisonment for his war service and that his brother who had been in the same position had been shot on his return to Yugoslavia. He claimed that he had no political interest and he presented no objections of a political nature. Objection not valid: not within the mandate.

(27) *Geneva 4432*: Petitioner was a 45 years old Croat who until 1942 had been employed as a chauffeur and afterwards had opened his own motor repair shop. His plausible account of his activities did not indicate voluntary assistance to the enemy forces. Nevertheless petitioner's reason for refusal of repatriation was that he feared punishment for his three years absence from Yugoslavia. Not within the mandate.

(28) *Geneva 4311*: Petitioner was a Yugoslav from Slovenia who had been deported in 1941 for forced labour. His refusal to return home for fear that he would be punished for not joining the partisans did not constitute a valid objection. Not within the mandate.

(29) *Geneva 2146*: Petitioner was a Croat, formerly a small landowner. He declared that in 1941 he chose to serve the Croats rather than the Partisans with whom he had never been in sympathy. He had strong political views and feared that he would, if he returned, be persecuted for them as well as for not having joined the Partisans, indeed he fought against them in the ranks of the Domobranci. Within the mandate.

(30) *Geneva 4471*: Petitioner was a Polish textile foreman who had been demoted from Manager of his works to foreman at the request of the Germans because he was a Pole. He was transferred with his works to Dresden in January 1945. Petitioner stated on interview that he believed that his wife would be sentenced to two years' imprisonment for having signed the Volksliste and that he would be persecuted for his attempts to exclude Communists from employment in his old firm. Within the mandate.

(31) *Geneva 4235*: Petitioner, a Slovene, had left her country in 1941 to teach in a German School. She denied being a Volksdeutsche and supported her claim by proving that her mother and sister both continued to live unmolested in Yugoslavia. Petitioner absolutely refused repatriation because she was a Catholic and said that she would not return to a country where religion was persecuted. During her hearing by the Review Board, petitioner could not explain on what grounds she based that statement, especially when it appeared that her mother, a devout Catholic, was not molested in any way—indeed there was no reason to believe that she did not go to Church every day. It also appeared that petitioner's sister, who is in Yugoslavia, is a Nun, that she has never been disturbed or inconvenienced in any way whatever and that she still lives in her Convent, in the same way as before 1940, attending church services several times a day.

When the inconsistency of her statement was pointed out, petitioner answered that none could tell whether, in the future, her sister's convent would not be disbanded.

Ruled that her objections were not valid; not within the mandate.

(32) *Geneva 4202*: Petitioner was a 27 year old Croat fisherman who had left Yugoslavia in May 1945. He was in possession of military papers proving that he had been conscripted into the Domobranci in 1942. He had originally intended to return to Yugoslavia and had arranged with some Domobran repatriants in 1946 and 1947 that they should write to him after arrival to inform him that they had been allowed to return home unmolested. He had, in fact, not received one word from any of them, and drew the conclusion that they had been interned in a camp for forced labour. Ruled that

The following is a list of the names of the persons who were present at the meeting held on the 15th day of June, 1900, at the residence of Mr. J. H. [Name], in the city of [City], State of [State].

The names of the persons present are as follows:

[List of names]

The meeting was held for the purpose of [purpose of meeting].

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The names of the persons present are as follows:

[List of names]

The meeting was held for the purpose of [purpose of meeting].

petitioner had fears of persecution that may have been unfounded but were not unreasonable. Within the mandate.

(33) *Geneva 1988*: Petitioner was an Armenian born in 1912 in Persia where he had lived until 1941 when, he alleged, the Russians sent him to Russia. On the Russian withdrawal he fell into German hands and was sent to Germany where he remained. He stated that he was afraid of persecution if he returned to Persia. The Review Board ruled that, in so far as the existing Persian Government was composed of the same group as held office before the war and taking account of the actual policies of that Government, persecution was impossible and his objection invalid. Not within the mandate.

(34) *Geneva 485*: See case (9) in Chapter III.

(35) *Geneva 416*: Petitioner was Soviet Ukrainian aged 21. She had been evacuated in 1941 from her village near the front lines. Her mother and young brother had disappeared and her father was condemned to death in 1936 on political grounds. Within the mandate.

(36) *Geneva 4202*: See case (32) in foregoing.

(37) *Geneva 4319*: Petitioner was a 21-year old Slovene farm labourer who had fled from Eastern Slovenia in April 1945 after having been arrested by the partisans as a political opponent and having escaped. His parents were still living in their home, the property thereof having been confiscated so that they were now paying rent as tenants of the house which had been their own. Petitioner's mother had written that he should not go home, and from the letter it appeared that he had real reasons to fear persecution on account of his political opinions. Within the mandate.

(38) *Geneva 4257*: Petitioner was a Croat who had left home in July 1943, because as a locomotive engineer in partisan territory he had feared capture. He had gone to Austria where he had remained, employed first as a railroad worker and later as a locksmith. Petitioner's mother and sister had written from Yugoslavia advising petitioner against repatriation, but their advice was mainly concerned with economic grounds—that he would be compelled to work in a factory and would be unable to earn enough to support his family. Not within the mandate.

(39) *Geneva 4456*: Petitioner, a Hungarian, had worked as a bricklayer until 1942 and during 1944, being in the army meantime. In November 1944 he left his home, on the approach of the Russians, with his family on a cart. Ruled that petitioner's statement that he could not return to Hungary because he had refused to join the Communist party in 1944 and feared reprisals could not be considered a valid objection. Not within the mandate.

(40) *Geneva 4327*: Petitioner was a young Slovene who had gone to Austria in May 1945 from fear of the new regime. She had between 1940 and 1945, in teachers' colleges in Maribor and Ljubljana, taken an active part in anti-Communist student groups. Her signature was among those of persons who had made specific complaints against their Communist fellow students. Objections ruled valid: within the mandate.

Contrast this case with —

Geneva 4325: Petitioner was a young Slovene who had left Yugoslavia for Austria in May 1945. He stated that he feared revenge by the partisans because he had reported to the school authorities that two of his fellow students were members of SKOJ, a Communist youth organisation. Objection invalid: not within the mandate.

(41) *Geneva 2186*: Petitioner was a Hungarian bank employee who had fled to Austria in 1945 as the front approached. On interview she stated that she was unwilling to return to Hungary on political grounds as she had always made propaganda against the Communists and was a member of an anti-Communist society. Objections ruled not valid. Not within the mandate.

(42) *Geneva 4473*: Petitioner, a Roumanian, had left her home in June 1944 for school in Vienna and afterwards worked as a Secretary for Radio Vienna. There was no evidence of voluntary assistance to the enemy forces. Her parents remained in Roumania. Petitioner feared to return as she had been working with the American Special

...and that of ...

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Service and was afraid that she would be accused of being a spy and of holding anti-Communist views. Objections valid : within the mandate.

(43) *Geneva 4484* : Petitioner was a Czech citizen of Croat ethnic origin, whose conscription in the German army was ruled not to exclude him from IRO concern. His mother was still living at home, and he had nothing to fear on account of his wartime activities, but having been in the service of the American army from November, 1945, he was afraid that he would be suspected of being a spy for the Western powers if he returned home. The Review Board found that petitioner was not ideologically opposed to the existing (August 1948) Czech regime and ruled the objection invalid. Not within the mandate.

(44) *Geneva 4196* : Petitioner was a Croat teacher who had fled into Austria in May, 1945 and now refused to return to Yugoslavia for fear of persecution for having been a member of Macek's party. He submitted to the Review Board proof that he was an active member of the party. He also claimed that after the war two of his brothers (one still a schoolboy) had been murdered and executed, and his claim was supported by reliable persons. Objections held valid : within the mandate.

(45) *Geneva 4447* : Petitioner was a Croat of 26 who left his home as a forced labourer in 1943. On appeal, he stated that he was afraid to return to Yugoslavia because during his days at the University of Zagreb he was a member of the student organisation SOKOL and was well known both as a supporter of the Royal Yugoslav Government and as a Yugoslav nationalist. Ruled that he had reasonable grounds to fear persecution. Within the mandate.

24. Persecution or fear of it as a result of membership of a particular class—for example—Kulaks (46) or the nobility (47) or as a result of one's family's position (48) may also be assimilated to persecution on political grounds.

25. In cases where allegations of religious persecutions are made, an applicant, to be successful, must make his fears plausible, which cannot easily be done if they are contradicted by known or admitted facts (see case 31 above). It should be observed, however, that the existence of freedom of worship in any particular country does not by itself necessarily indicate an absence of religious persecution, because the essence of many religions is contained in the way of life advocated by them which also in itself normally implies the necessity of freedom not only to teach and preach spiritual matters, but also to apply them in every day life. It is further possible that what would be quite reasonable ground of fear for a clergyman may not be for a layman (49).

26. All the objections that have been considered above depend on persecution or the fear of it. There is, however, a specific reference in the Constitution to valid objections of a political nature which have no reference to persecution or the fear of it. That reference has already been quoted (at (a) (ii) above) and is the following :

“(ii) Objections of a political nature judged by the Organisation to be “valid” as contemplated in paragraph 8 (a) of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946.”

The report of the Third Committee of the General Assembly on the question of refugees, including the Resolution adopted by the General Assembly on 12 February 1946 (Document A/45), contains the following reference under Pt. 8 :—

“The following interpretations relating to para. (c) (ii) of the Draft Resolution were given by the Chairman, following requests for information by the Delegates from Belgium and Australia respectively :

(a) In answering the Delegate for Belgium, the Chairman stated that it was implied that the international body would judge what were or what were not “valid objections” and that such objections clearly might be of a political nature.” (Reproduced as a footnote in official edition of IRO Constitution.)

27. By inserting this clause in the list of “valid objections” the entrance gate to IRO was opened to so-called “Political dissidents” whether they were refugees or displaced persons, and irrespective of whether they had suffered persecution under the Nazis or not (see in particular para. 2 of Section A of Part I), and irrespective also of whether such persons refused to return owing to fear of persecution.

28. If IRO is satisfied that an applicant has a genuine political conviction contrary to that of his government, he can, under the Constitution, be resettled. That conviction must be positive; the absence of agreement with the governmental policy or ideology is not sufficient. For example the mere fact of not being a Communist is not adequate for valid political objections to return to a country with a Communist government (50); consistent views in opposition to the regime may, however, well be (51) particularly if they are held on both religious and political grounds (52) or if they are evidenced by activity (53) such as membership of a political party (54). The youth of the applicant does not prevent the holding of adequate political views, (55) nor even illiteracy (56). It should be remembered in this connection that the alteration brought about by the establishment of a communist regime to the whole way of life of the people applies with just as much force to peasants and poor people generally as to other classes in the community.

29. The convictions on which the objection is based need not be anti-Com-

(46) *Geneva 4587*: Petitioner was born in the Soviet Union where he was a tractor machinist. He had been employed on a state farm until 1941 when he was deported by the Germans to Austria where he worked as a woodcutter. He claimed to be the son of Kulaks, that his father was deported as such in 1932 and that although he holds no political views as the son of a Kulak who had remained abroad he could not return without being persecuted on grounds consistent with anti-Kulak legislation. Petitioner convinced the Board that he was in fact from a Kulak family and that his reasons for not returning were valid. Within the mandate.

(47) *Geneva 1734*: Petitioner was a Hungarian engineer of 52 who was sent on military duty to Germany in December 1944. He claimed that being a member of the Hungarian nobility he feared persecution: his objections to repatriation were adjudged valid. Within the mandate.

(48) *Geneva 139*: Petitioner was an Albanian law student aged 26, now in Italy. He was an intellectual, coming from an established and well-to-do Albanian family. He claimed that his views represented the very antithesis of Communism. He claimed that, although the family had been politically inactive, his father had been imprisoned by the Albanian government because he had voiced his opposition to it. Petitioner convinced the Review Board that he had reasonable grounds to fear persecution, not only because of his own opinions, but also because of the family position. Within the mandate.

(49) *Geneva 923*: from the decision — "It is doubtful if his objections to repatriation on religious grounds are supported by the facts in present-day Yugoslavia. While members of the clergy might have valid reasons against returning, it is known that people are permitted liberty of worship and that Christianity is thriving in Yugoslavia to such an extent that the churches are crowded "to the rafters" far more so than they were in the days when religion was free in the country. It follows that ordinary churchgoers, whom the authorities regard with indifference, can have no reasonable grounds to fear religious persecution."

(50) *Geneva 4227*: Petitioner was a Hungarian who left his country in January 1945. On appeal he stated that he was "not a Communist", but that he had no political opinions, and insisted on economic reasons. Ruled that in the absence of political opinions, the mere fact of not being a Communist is not a valid objection against repatriation. Not within the mandate.

(51) *Geneva 4270*: Petitioner was a Hungarian who left his country in October 1944. In 1945 he applied for repatriation but afterwards received information about conditions in Hungary and then refused to return there. When heard by the Review Board he expressed consistent political views which were accepted as valid objections against the existing regime. Within the mandate.

(52) *Geneva 4437*: Petitioner was a young Croat who had spent the period from November 1941 to April 1947 as a student of mine-engineering in Austria. On appeal, he voiced strong convictions against Communism on religious and political grounds, made an extremely good impression because of his obvious sincerity and convinced the Board that his objections were valid. Within the mandate.

(53) *Geneva 4269*: Petitioner was a 19 year old Slovene farm labourer who had fled to Austria in May 1945 feeling his life endangered. He had previously been ordered to carry messages for the Partisans and had refused; he had also refused to join the Partisans and had been threatened with death. In spite of his youth, petitioner was found to have serious political views which were considered as valid objections. Within the mandate.

(54) *Geneva 4332*: Petitioner was a Polish professional musician aged 42, born in Bessarabia, who had lived most of his life in Warsaw and Vilna, had been engaged in forced labour by the Germans and had since the war earned his living as a wandering pianist and accordion player. On interview it transpired that he had been an active member of the Polish National Democratic Party at the outbreak of war in 1939 and

The first part of the report is a general survey of the situation in the country. It is followed by a detailed account of the work done during the year. The report is divided into several sections, each dealing with a different aspect of the work.

The second part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

The third part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

The fourth part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

The fifth part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

The sixth part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

The seventh part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

The eighth part of the report is a detailed account of the work done during the year. It is divided into several sections, each dealing with a different aspect of the work. The first section deals with the work done in the field. The second section deals with the work done in the laboratory. The third section deals with the work done in the office.

convinced the Board of the validity of his political objections to the present regime. Within the mandate.

(55) See Geneva 4269 at (53) above.

(56) *Geneva 4260*: Petitioner was a Polish Ukrainian who had been deported by the Germans in 1944 to Austria. On interview, although he was a person of modest condition and almost illiterate, he conveyed the impression of holding definite political views and of having serious political objections, adjudged valid, against the present regime of his country. Within the mandate.

munist (57)—indeed it should be remembered that many persons within the mandate (for example, Spanish republicans) are “left-wing” refugees and that Communism as such is not a reason for excluding an applicant from the concern of the Organisation; a “Trotskyist” refugee from Russia is conceivable and could be within the mandate. Opposition to dictatorship (58) or to totalitarian regimes as such (59) are sufficient. The denial of political rights resulting from ownership of small enterprises (60) can also be adequate. Although in such cases political rights must be strictly interpreted the right to own property is, for example, not a political right, but the denial to property owners as such, of the right to take part in Government, would be clearly a denial of a political right.

30. A slightly separate category of persons are those whose political objections to return to their home country are based on the fact that it politically no longer exists (61).

31. It should be noted that the objections under this heading must be of a political nature; religious objections (apart from persecution as described previously) do not count (62). But it should be recognised that evidence of political views which would be such as to justify a valid objection may not always be expressed in a form which is, in itself directly political.

32. The third major category of objections that may be regarded as valid are “compelling family reasons arising out of previous persecution, or compelling reasons of infirmity or illness.” These objections are only applicable to victims of Nazi, Fascist and similar regimes, and to Pre-war refugees.

33. “Compelling family reasons” may refer to all events arising out of previous persecution and war leading to the disruption of the family unit, the dispersal and deportation of its members and subsequent death or disappearance (63). They may include also the deprivation of the family unit of its economic basis by measures of spoliation, confiscation, and dispossession, which were the preliminaries to recruitment for slave labour and extermination of the persecutees. Pre-war refugees may adduce as “compelling family reasons” the fact that, because of their long residence abroad they have lost completely all ties with their home country and have family reasons for remaining outside it.

34. The mere fact that a refugee has relatives, or even all his relatives abroad is not adequate evidence of a compelling family reason. It should be noted in general that these “compelling family reasons” do not normally apply to Nansen refugees who were, in general, not persecuted. Such persons of course may express valid political objections to repatriation.

35. The clause, however, does not apply to persons who refuse to be repatriated on the grounds that their Governments will not permit the entry of their wives and who refuse to go home without them (64).

36. “Compelling reasons of infirmity or illness” require no comment—they include any reason arising out of age, or health, or physical condition. They need not arise out of persecution.

37. It is convenient at this point to call to mind that the position of a pre-war refugee from Germany or Austria is largely regulated by the application of this clause concerning “compelling family reasons”, as such a person would not normally be able to express political objections to repatriation. Political objections may, however, be raised in such cases when the refugee concerned originated from a place now in one of the Russian Zones of occupation and when the refugee expresses valid political objections to return to an area under communist domination.

(57) *Geneva 4433*: Petitioner was a Croat of Mohammedan faith who studied metallurgy in Austria from 1941 to 1947. On interview, he stated that he had nothing against ideological or Marxist Communism but that he was opposed to the existing Yugoslav regime (August 1948) as a dictatorship. He convinced the Board of the strength of his political convictions and was found to have valid objections bringing him within the mandate.

(58) *Geneva 4512*: Petitioner was a 29 year old Croat who had fled from home in May 1945 after working from 1939 as a veterinary student at the University of Zagreb. His intellectual development from the parochial school to the University was increasingly one of conviction of the fallacy of Communism, and he had expressed hostility to all forms of dictatorship. He had also been active as secretary of the University Catholic Action Organisation and as a frequent debater with the partisan student groups. He convinced the Board of the validity of his political objections against repatriation, and was ruled to be within the mandate.

(59) *Geneva 4493*: Petitioner was a Pole who had been deported by the Germans in 1940 and spent the following five years in Dachau and Manthausen Concentration Camps. He impressed the Review Board that he was sincerely opposed to totalitarian regimes of all forms. Within the mandate.

(60) *Geneva 4597*: See (12) above.

(61) *Geneva 125*: Petitioner was a Ukrainian who spent the whole wartime period as a deported forced worker. Her valid objections were expressed and substantiated, in the view of the Review Board, by the fact that the part of the country where her home is situated has been incorporated into foreign territory. Within the mandate.

(62) *Geneva 4573*: Petitioner was a Croat who had been at School during the war and had left Yugoslavia for Austria in June 1945. When heard by the Review Board he stated that his objections to repatriation were based on his Christian outlook and opposition to the (alleged) atheistic aims of the existing Government in Yugoslavia. He did not convince the Board of the validity of his objections and was found not within the mandate.

(63) *Geneva 709*: Petitioner was a Pole who had her habitual residence in Poland where her husband was a garage owner. Her husband had been arrested by the Gestapo in 1939 and released, and under threat of a second arrest had fled from Warsaw, all his property being then seized. Petitioner had no further news of her husband apart from a letter from her brother-in-law indicating that her husband had been imprisoned and killed. She had, herself, managed to come to Germany to look after her sick mother and now gave as her objections to repatriation the fact that her father being dead, she was the sole support of her sick mother who had looked after her when she had fled from Nazi persecution and whom she could not now abandon. These objections were ruled by the Review Board to provide compelling family reasons and petitioner was ruled to be within the mandate.

(64) *Geneva 4171*: Petitioner was a Netherlands citizen, aged 24, married and the father of two children, who was deported to Germany for forced labour in July, 1943. He had married a wife of Swiss origin who had acquired German citizenship by a previous marriage. Petitioner wished to return to Holland, but his wife had not been authorised by the Netherlands authorities to accompany him. Petitioner therefore raised compelling family reasons against his return to Holland. It was ruled by the Review Board that as petitioner was neither a victim of Nazi persecution nor a pre-war refugee, the compelling family reasons were not applicable. Not within the mandate.

CHAPTER V

CONSTITUTION Annex I - Part I

Section D

**CIRCUMSTANCES IN WHICH REFUGEES AND DISPLACED
PERSONS WILL CEASE TO BE THE CONCERN OF
THE ORGANISATION**

1. The clauses of this Section refer to persons who have previously been determined to be the concern of the Organisation.
2. "Section D. Refugees or Displaced Persons will cease to be the concern of the Organisation : (a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality."
3. A person who has returned to his country of nationality ceases to be the concern of IRO because he is then presumed to come under the protection of his Government, whose business it is to re-establish him within the country.
4. It should be clearly understood that the fact that a person has so repatriated does not prevent him again becoming a refugee within the mandate if he leaves the country to which he has been repatriated and expresses valid objections to return (1).
5. A person may have returned to his country of nationality in spite of the fact that his former residence—where he wished to return—was situated in a country other than that of his nationality : he may then be in need of international assistance for transportation to the country of his former habitual residence. In this case, if he objects to remaining in his country of origin, it may be said that he remains within the mandate. For example, a Czech national, who had his former habitual residence in Esthonia (whither he could not obtain permission to return) and who did not wish to remain in Czechoslovakia whither he had been repatriated (because he was an ex-Austrian who could not speak Czech) would not cease to be the concern of the Organisation merely because he was in his country of nationality.
6. The phrase "in United Nations territory" should be construed as meaning "other than Germany and Austria". The phrase was inserted in the immediate post-war period when it was assumed that former persecutees returning to ex-enemy countries would or might require protection. A refugee from Germany or Austria would after repatriation remain the concern of the Organisation until he were firmly re-established in Germany or Austria.
7. It should be remembered, however, that it is not the general rule for the Organisation to resettle from Germany and Austria, people who have been repatriated to these countries. Furthermore, the situation in these countries being what it is, a person who has been repatriated to them and has been firmly re-established therein would not re-

(1) *Geneva 17*: Petitioner who was forced to work from 1941 to 1944 first in Czechoslovakia and then in Germany, produced a well documented employment record (Arbeitsbuch 254/810). She was allowed to continue her forced employment in Pilsen, Czechoslovakia on 22. 9. 44 where she stayed till Oct. 1945 when she returned home and took up employment in Chudenice from April to December 1946, and thence in her home town from January to August 1947.

She claimed to have failed in her attempt at re-establishment because of difficulties with the new regime and to have had conflicts with the local members of the Communist Party in conducting the business of the firm which she represented. She said that the political circumstances resulting in fear of persecution induced her to return to Germany in August 1947.

It appeared clear to the Board that her repatriation had not been consummated and was, therefore, not a reason for exclusion. Her valid objections were definitely expressed and substantiated by further political developments. Within the mandate.

acquire refuge status if he left these countries as, ex-hypothesi, it is for all practical purposes impossible for him to express valid objections to being again repatriated.

8. "Section D... (b) when they have acquired a new nationality."

9. The presumption is that a person who has acquired a new nationality has become firmly established in his new country, that he enjoys governmental protection and that he is, therefore, not in need of international assistance. Thus a pre-war refugee who, formerly stateless, was subsequently naturalised in France, is to be treated as a Frenchman, and a refugee within the mandate who is resettled in, say, Brazil would cease to be the concern of the Organisation on acquisition of Brazilian citizenship. The same applies to a refugee woman who acquires a new nationality by marriage, unless, of course her husband is within the mandate.

10. It is clear, however, that a refugee who at any time takes (or has taken) a new nationality may become again a refugee if he leaves his country of (new) nationality or habitual residence and expresses valid objections to returning. Eligibility Officers should take care therefore not to apply this clause so as to exclude, for example, a former Nansen refugee who had been naturalised in Lithuania (his country of refuge before World War II) and who, having fled before the Soviet occupation into Germany, does not, for political reasons, want to return to Lithuania. If his objection is valid, he would be the concern of IRO, being outside his country of nationality, he would in fact, be treated as a Lithuanian. Similarly, if a pre-1917 Russian had become a Nansen refugee and at a later date had availed himself of the offer of Soviet citizenship (2), it would, of course, be possible for such a person to become again a refugee if he, being outside his country of nationality, fulfilled the usual conditions. *A fortiori*, a stateless person who had acquired a new nationality and subsequently lost it would not be under the protection of any government and might be the concern of IRO.

11. "Section D... (c) When they have, in the determination of the Organisation, become otherwise firmly established."

12. The word "otherwise" means "otherwise than in Section D (a) and (b) above", i.e. otherwise than by repatriation or naturalisation.

13. The general rule is that a person is not regarded as "otherwise firmly established" so long as he suffers disabilities—legal or material—as the result of his refugee status.

14. A distinction should be drawn between on the one hand economic and social establishment and on the other hand the firm establishment which results in a refugee ceasing to be the concern of the Organisation. The latter makes a refugee no longer within the mandate—he ceases for all purposes to be a refugee; the former may—probably would—result in an administrative decision on limitation of the services to be given to the person concerned—there would be no reason to accept him in a camp or maintain him nor would he be transported elsewhere at the charge of the Organisation—but he would remain within the mandate of the Organisation, and would be eligible for legal and political protection.

15. Thus if a refugee has married and raised a family in a country, acquired property there or set up a business concern or found a stable occupation, these are indications that he is economically established, though no clear proof (3), and he would find it difficult to establish a claim for continued financial assistance. He would, however, remain within the mandate and be qualified for IRO protection so long as he was without protection of any government. It is possible, therefore, for a stateless person (in law or in fact) who has been resettled in a new country to remain under IRO protection until he has acquired a new nationality.

16. It is, however, possible for a person to become "otherwise firmly established" before he acquires a new nationality. The position varies from country to country

(2) *Geneva 2113*: Petitioner, a former Russian, left Soviet Russia in 1931, aged 13, with his parents, to live in China, where he remained with Nansen status. In 1946 he applied for repatriation and obtained a Soviet passport with the necessary visas and papers in September of that year. At the same time his wife fell ill, spent six weeks in hospital, and the repatriation had to be postponed until her recovery. This recovery was slow, and was completed only in 1948, when petitioner in his turn fell ill with T. B. He applied to the U.S.S.R. Consulate for assistance to meet the cost of his hospitalisation and was referred to the Soviets Residents Association in Shanghai. That association agreed to advance the costs on condition that petitioner would refund the money after his recovery; this, petitioner refused, and applied to IRO to meet the costs.

It was considered by the Review Board that petitioner having expressed the desire to return to Soviet Russia, and taken the necessary steps to be repatriated by his own Government, reacquired Soviet citizenship which he lost in 1931, and having shown that he neither feared persecution nor had political objections against the regime was not within the mandate.

Furthermore, as petitioner was neither unwilling nor unable to avail himself of the protection of his Government, he was not considered a refugee. The circumstances that his Government refused to meet the expenses of his medical treatment were irrelevant to the determination.

(3) *Geneva 4499*: The petitioner, who was stateless, left the Ukraine, alone, in 1919 as an anti-Communist dissident. He held a Nansen passport and had a Fremdenpass extended until 1945. He had subsequently married a German who had become stateless on her marriage. When interviewed by the Board, petitioner, who was a Professor of Art in the Deutsche Akademie in Berlin during the whole of the war, convinced the Board that he had valid objections to repatriation and that he was never firmly established in the country of former habitual residence. Found within the mandate.

depending on immigration laws, and the actual need of protection. In the United States, for instance, where the legal immigrant acquires upon his landing sufficient right for his firm establishment, and, upon receipt of "first papers" a considerable extension of his rights, the need of protection will hardly arise. In some other countries acquisition of nationality is an extremely difficult matter, and international protection may be required for a considerable length of time especially if the laws of the country are an important obstacle to the exercise of human rights or the performance of legal acts by a foreigner.

17. A refugee or Displaced Person who has not been resettled and wishes to emigrate will remain the concern of IRO even though he may have a satisfactory employment or a home in the country of temporary residence. It is not in the interests of the organisation or of refugees themselves to discourage their efforts of self-support, but it is for the refugee to decide whether he wishes to remain in the country of temporary residence.

18. It is, of course, irrelevant whether the firm establishment is the result of the efforts of the refugee himself, of the IRO or of any other Organisation.

19. "Section D... (d) When they have unreasonably refused to accept the proposals of the Organisation for their resettlement or repatriation.

(e) When they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organisation."

20. The purpose of these two clauses is to avoid the formation of a "class" of social parasites living in idleness which would become a permanent financial liability of the Organisation.

21. Unreasonable refusal to be repatriated is a refusal without "valid objections".

22. It is recognised that the individual refugee is entitled to a certain freedom of choice as between repatriation, resettlement or settlement in the local economy. It is the responsibility of the Organisation, in consultation with the refugee, to assist the refugee at the earliest possible moment in making his choice as between these three alternatives. This choice cannot, however, be made in the abstract. The decision as to whether a refugee will choose resettlement, depends to a great extent on the actual opportunities offered to him. Here again it is the responsibility of the Organisation to make known to the refugee in a realistic fashion the opportunities for resettlement open to him. In like manner, the refugee has an obligation once these opportunities have been disclosed to him, to choose to apply either for one of the resettlement opportunities, or for repatriation. Refugees who do not elect to apply for repatriation or resettlement should proceed to make their plans for their future in the local economy.

23. The major categories affected by clause (d) are persons who move or are sent from countries of settlement (whether back to their country of refuge or elsewhere), persons who withdraw their consent after volunteering for a resettlement scheme and persons who are not cooperating with the Organisation in attempting to make practical plans for re-establishment. As regards clause (e) the assistance of the Organisation is exploited when it is given to a refugee who does not require assistance or who needlessly puts himself in a position to require it; as for "earning their living" it is obvious that a person cannot be earning his living unless he can pay for his maintenance—he may be earning his pocket-money, but that is another matter.

24. In each case, the objective is to avoid the unnecessary spending of international funds but to continue the protection of *bona fide* refugees as long as that is needed. The normal way to prevent exploitation is to discontinue or not give the assistance that is being or would be exploited; thus for example, if a refugee could have maintained himself in his country of resettlement he should not normally be maintained by IRO on his unreasonable return from it, and a person who has volunteered for a resettlement scheme and who on the eve of his departure unreasonably refuses to go should be made ineligible for further resettlement opportunities.

The Commission has been informed that the Government of the Republic of China has decided to withdraw its troops from the island of Formosa and to transfer them to the mainland. This decision is in accordance with the provisions of the Sino-Soviet Treaty of Friendship, Commerce and Consular Rights, signed in Moscow in 1950. The Government of the Republic of China has also announced that it will continue to support the Nationalist Government in the mainland and will continue to maintain its diplomatic relations with the United States and other countries. The Commission has also been informed that the Government of the Republic of China has decided to transfer its capital to the mainland and to establish a new government in the mainland. This decision is in accordance with the provisions of the Sino-Soviet Treaty of Friendship, Commerce and Consular Rights, signed in Moscow in 1950. The Government of the Republic of China has also announced that it will continue to support the Nationalist Government in the mainland and will continue to maintain its diplomatic relations with the United States and other countries. The Commission has also been informed that the Government of the Republic of China has decided to transfer its capital to the mainland and to establish a new government in the mainland. This decision is in accordance with the provisions of the Sino-Soviet Treaty of Friendship, Commerce and Consular Rights, signed in Moscow in 1950. The Government of the Republic of China has also announced that it will continue to support the Nationalist Government in the mainland and will continue to maintain its diplomatic relations with the United States and other countries. The Commission has also been informed that the Government of the Republic of China has decided to transfer its capital to the mainland and to establish a new government in the mainland. This decision is in accordance with the provisions of the Sino-Soviet Treaty of Friendship, Commerce and Consular Rights, signed in Moscow in 1950. The Government of the Republic of China has also announced that it will continue to support the Nationalist Government in the mainland and will continue to maintain its diplomatic relations with the United States and other countries.

25. It is important to regard refugees as ordinary human beings with ordinary faults and failings, among which are indecision and irresponsibility. Individuals should not lose their status as refugees within the mandate on account of such failings, which should however not be given self-expression at taxpayers' expense. Nevertheless, the behaviour of a person in these matters can provide evidence that he is in effect a migrant malingerer and not a real refugee at all; as such he should not be the concern of the Organisation.

26. In the following extreme cases a person will be declared to be excluded from the concern of the Organisation :

- (a) when he is returned or deported from his country of resettlement because of grave misconduct there :
- (b) when he moves from his country of resettlement after breaking a contract of work (due to which he went there in the first place) without having given himself the opportunity of deciding whether or not conditions are adequate (4) :
- (c) when he displays such grave and extreme irresponsibility as to indicate that he is in effect not a refugee at all nor worthy of any assistance.

27. When the circumstances imply nothing derogatory to the refugee no limitation will be made on services to be given him. For example :

- (a) the desire of a refugee to rejoin his family must always be considered reasonable (5) :
- (b) it is legitimate for a refugee to withdraw his consent to move on a resettlement scheme if he has good family reasons for delaying his departure (6) or if events have occurred beyond his control that would reasonably have such an effect.

28. Otherwise, however, in order to ensure that the welfare of *bona fide* refugees is not jeopardised by the anti-social actions of others in trying to exploit the Organisation or disrupt its machinery, the decisions will be taken to deprive such anti-social persons of care and maintenance or of resettlement at IRO expense. Such will occur for example :

- (a) when a person returned from a resettlement country to his country of previous refuge with no extenuating reasons; the decision taken in these cases should follow the advice of the IRO mission in the resettlement country.
- (b) when the person has volunteered for a resettlement scheme on which, at the last moment, he refuses to go for no sound reason after the Organisation has incurred expense on his behalf.
- (c) when he is taking no active steps to further his own repatriation or resettlement or re-establishment in the local economy, it being possible for him to do so.

29. An analogous problem is raised by persons who unreasonably refuse to move to another camp on the closure of the camp in which they are residing : and by persons who unreasonably refuse to move from one country or area to go before a resettlement selection mission, although because of the absence of such a mission there is no reasonable chance of being resettled, if they do not so move. Such persons must be told that the Organisation can only help them if in their turn they take account of its operational necessities of which it is the only judge. Thus a person unreasonably refusing to move with his camp automatically excludes himself from maintenance, and a person unreasonably refusing to move so as to have the chance of being selected automatically deprives himself of the opportunity of resettlement. Such action on the part of the individual should be formally confirmed by the Organisation declaring the individual ineligible for the service concerned.

(4) (a) *Geneva 5345*: Petitioner an Esthonian, 21 years of age, left home in August 1944 and went by ship to Kiel. He was then drafted into the Luftwaffe, taken prisoner-of-war in Belgium and was released in May 1946.

In April 1947 Petitioner accepted the resettlement scheme for work in the Belgium coal mines. He signed what he knew to be a two year contract, but after 11 months claimed that his health broke and he was unable to continue. After his return to Germany in April 1948 a report dated 3rd May, 1948 from Brussels stated, however, that Petitioner was fit for work, but that he had unreasonably refused to continue.

Petitioner who asserted that living conditions in Belgium were very bad, but that the food was satisfactory, himself appeared to be in good health and all medical records agreed on his fitness. Although as a foreign worker he claimed to have been given the heaviest and most dangerous work and was not permitted to choose the mine in which to work, it was not believed that he acted in good faith and it was felt that he had ceased, as a result, to be the concern of IRO.

Not within the mandate.

(4) (b) *Geneva 11666*: Petitioner a Ukrainian from Poland, 24 years of age, left his home in Poland and was taken by the Germans in September 1942 for forced labour near Leipzig. He worked there for a farmer until 1945 when the Americans arrived and has since lived in several camps. Although Petitioner had no evidence for this period, his account was plausible, and it was felt that he should be given the benefit of the doubt.

On 25th July, 1947 Petitioner had signed a two year contract for work in the Belgium mines, but during January the following year he became ill. He reported to the medical officer and was prescribed a course of treatment for four weeks. In February 1948 he returned to work for 5 weeks but found himself unable to continue because it was too difficult. He was given 8 days leave and travelled to Brussels to see the IRO representative and asked for lighter work, but he was informed there was nothing else. He was later returned to Germany by IRO transport and a Doctor's report of 15th January, 1948 issued in Belgium proved that he had a lung infection.

It was believed the Petitioner did not deliberately break his contract, but that on the contrary, he had acted in good faith. He was a genuine displaced person who had not ceased to be the concern of IRO.

Within the mandate of the Organisation.

(5) *Geneva 1260*: Petitioner, a Pole from Gdynia, shortly after his marriage, in 1943, was conscripted for forced labour and sent to France in the Organisation Todt. In June 1944, he was found there by the Allies and mobilised into the Polish Army. In August 1947, he refused resettlement with the Polish Corps and requested to be sent to Germany, where he proceeded to search for his wife in the Russian Zone (Marriage Certificate dated 1st October, 1943 was produced at the Appeal).

His refusal to resettle before having found his wife was not considered unreasonable and petitioner was found to be a refugee who had not ceased to be the concern of the Organisation.

(6) *Geneva 4265*: Petitioner, a Ukrainian railwayman, formerly from Poland had been evacuated with his family from the front-line to Germany, to work there as a labourer, and was considered to be a displaced person. In 1947 he was offered emigration to Brazil with his family; they were medically examined, accepted and all formalities were fulfilled. A few days before their intended departure, petitioner was informed that his daughter, who had a three months old child, would not be allowed to emigrate until the latter had reached the age of six months. Petitioner's refusal to emigrate leaving his daughter behind was not considered an unreasonable refusal to avail himself of the proposals of the Organisation. The daughter's pregnancy had not been concealed and it was the emigration authorities, not the petitioner, who were at fault for having overlooked the fact that IRO or other regulations would not allow emigration in the circumstances. Petitioner was found to be within the mandate.

CHAPTER VI

CONSTITUTION Annex I - Part II

PERSONS WHO WILL NOT BE THE CONCERN OF
THE ORGANISATION

1. "1. War criminals, quislings and traitors."
2. In the terms of the Resolution adopted by the General Assembly on 12 February 1946 :

" The General Assembly . . .

considers that no action taken as a result of this Resolution shall be of such a character as to interfere in any way with the surrender and punishment of war criminals, quislings, and traitors, in conformity with present or future international arrangements or agreements."

3. In addition the General Assembly on 15 December 1946, recommended :
"to all Governments concerned that they take urgent and adequate measures to effect a careful screening of all Displaced Persons, refugees, prisoners of war and persons of similar status with a view to identifying all war criminals, quislings and traitors."

4. Furthermore, at the second part of the First Session of the Preparatory Commission, Resolution No. 8 was adopted, which urged the governments and authorities concerned to implement the General Assembly Resolution mentioned above.

5. WAR CRIMINALS.

By international law, the expression "War Criminals" applies at the present time to persons who have committed :

- (a) Crimes against peace (*i.e.* those who have planned aggressive war).
- (b) Violations of the accepted rules of warfare (*i.e.* murder of prisoners, murder of hostages and other crimes of which there is a list of about 20).
- (c) Crimes against humanity (*e.g.* internment of civilians in inhuman conditions, extermination of Jews in gas chambers, etc) (1).

6. Obviously, any person who has been convicted as a war criminal by a Court of Justice is *ipso facto* not within the mandate. The expression "war criminals" is, however, sometimes applied to persons who are merely "accused" or "suspected" of having committed war crimes. War crimes which have been committed during the war amount to hundreds of thousands, and the United Nations War Crimes Commission in London has, to date, placed upon its lists about 32,000 names of persons against whom a *prima facie* case has been found to exist. These lists concern mostly Germans (including Austrians) but also Hungarians, Bulgarians, Italians, Roumanians, Albanians and Japanese, and also a small number of persons of allied nationality who were accomplices or principals who had—or had not—taken service with the German Army or administration, and who may—or may not—have acquired enemy nationality. Only a small part of the accused have been found, most of them are still at large. It would be a flagrant

(1) *Geneva 2213*: Petitioner, a Slovene, had been declared ineligible by the Review Board in July 1948 for lack of valid objections. In September, 1948, he was reinterviewed, having applied for a reconsideration of his case on the grounds "that he was desperate because he could not emigrate to Canada, repatriation was impossible because he would be mercilessly treated by his "torturers", economic and social conditions in Europe were such that one could not live an ordered life there and his mother who was in Yugoslavia wrote that he would do better to emigrate overseas than to return home".

His case having been specially recommended by the Chairman of the Slovene Committee in Spital camps, as deserving benevolent consideration, the Review Board more closely investigated the case of petitioner.

First, it was verified from the lists of the Special Commission on Refugees that his name was on neither the "white" nor "grey lists", but was shown on the "black" list under 21.

Secondly, the Board obtained from a reliable source the following information concerning petitioner :

("Crimes description.

Slovene, born on 2 July 1926, member of the "Quisling Militia Dombranci" at Poljo, now in the British Zone of Austria.

On 3 January 1944, he participated in arresting and ill-treating Marida JELNIKA. She had been arrested and put to a so-called "Smaraki Bunker" where she had been held for one day. Afterwards, she had been brutally beaten and also ill-treated at the bridge near Tomacevo, so that she had to be given medical assistance at Ljubljana's hospital.

On 23 November, 1943, he participated in arresting Alvina SNOJ, who had been taken into custody at POLJE where she was brutally ill-treated and on 4 December 1943 sent to the concentration camp of Auschwitz where she died under inhuman conditions on 17 January, 1944.

On 31 December, 1942, he with the other members of the "Domobranci", arrested Antonija GREGOREC. After her arrest she was taken into custody at POLJE where she was interrogated. After 63 days of ill-treatment and torture she was released under the guarantee of three witnesses, and she had to report to the police station every day for about six months.

In view of the crimes committed by the accused Vladimir AVSIC, he has been declared a traitor and war criminal by the Yugoslav War Crimes Commission").

In view of this information the Board found petitioner was excluded under Part II, 1 and 2 (a).

breach of the IRO Constitution if these people were to receive assistance, so long as the government which accused them has not cleared them of the charges which have been brought against them.

7. However, IRO is not equipped to conduct criminal investigation; moreover it would be impossible to expect from Eligibility Officers in the Field that, in respect of each applicant, they should consult the bulky UNWCC lists and other lists of wanted persons, to ascertain whether his name figures on them. This would cause delay and unduly hamper the proceedings.

8. Any Eligibility Officer in the Field who has doubts concerning the criminal activity of an applicant should refer the case to the IRO Headquarters of the Zone (where there is a set of these lists) or to the authorities of the country where he is residing, where the necessary checking and identifying can be done.

9. It is true that it was agreed in Moscow on 23 April 1947 (Agreement of the Council of Foreign Ministers) that "any war criminals found in Displaced Persons Camps are to be turned over under guard to the Military Command of the countries concerned upon due request, and upon production of satisfactory evidence that the individuals whose transfer is requested are in fact war criminals". However, this does not mean that IRO should arrest even war criminals, far less surrender them, except when IRO has been expressly given authority to do so. The local governmental or occupational authorities concerned should be informed of their presence, and it is for them to arrest any war criminals who might be found in Displaced Persons Camps.

10. If the applicant is identified as one whose name is on the UNWCC lists he is not within the mandate. He may be informed verbally of the reasons why he is disqualified but the reason for refusing status of being within the mandate should be stated on the "notification of being not within the mandate form as "Not the concern of IRO—Part II, (1)", without further comment.

11. It should be mentioned that Soviet Russia was never a member of UNWCC and that war criminals wanted by USSR are on special lists. Information on the subject of war criminals and suspects may also be obtained from the Central Registry of War Criminals and Security Suspects (CROWCASS) in Berlin, at USA Headquarters.

12. QUISLINGS AND TRAITORS.

Quislings are generally understood to be persons who, while occupying high public office, have committed acts which amount to treason under the laws of their respective countries of origin, and in so doing, have acted in that office under the direction of—or in coordination with—the enemy. In other words, quislings are leaders or key men of governments or semi-governmental organisations which were in sympathy with and actually helped the Nazis (2).

13. The responsibility for determining which persons are to be regarded as Quislings and Traitors rests with the various governments concerned. Some of these people have been in the limelight and are generally well known by name; many of them escaped into neutral countries at the end of the war (*e.g.* Spain). In case of doubt the Eligibility Officer should inform the local governmental or occupational authorities of the presence of the applicant, and obtain information as to whether his name figures on the lists of persons wanted for indictment or trial. If his name does not figure on those lists, it may be presumed that the person is not a quisling. If on the contrary, his name does figure on those lists he should be declared not within the mandate—the reason for rejection stated on the notification of being not within the mandate should be "Not the concern of IRO—Part II (1)", without further written comment.

14. The same applies to traitors, who are those persons who have been charged with or convicted for high treason. It may be noted incidentally that mere desertion from the forces is not treason.

15. IRO should comply only with requests from the sovereign power in the area of operation for surrender of an alleged war criminal, quisling, traitor or collaborator. Any IRO officer actually arresting any person on request of another power would be

(2) *Geneva 4184*. Petitioner, a Serb, was Minister of Justice and Agriculture in the Nedic Government of Yugoslavia from August 1941 to October 1944. On acceptance of that post he was released by the German military authorities from the German camp where he was prisoner of war. Formerly he had been a Minister in the Cabinets of Radic and Stoyadinovic. He claimed that since the end of the war he had been approached several times by emissaries of Marshal Tito to return to Yugoslavia, but he refused because he would not help to consolidate a regime of which he disapproved.

When heard by the Board, he pointed out that the formation of the Nedic Government was unavoidable. It had been constituted after 4½ months of German occupation on request of all Serbian parties only to prevent wholesale extermination of the Serbian people. Moreover, if it had been constituted, Serbia would have been divided up into five parts between Bulgaria, Hungary, Croatia, Albania and Germany. The 308,000 refugees problem (of which 80,000 were unaccompanied children) also had to be solved.

From the whole of the information available to the Board at the time, the conclusion was drawn that, although the account presented by the petitioner and his colleagues was sincere and truthful, although the members of the Nedic Government had been primarily moved by humanitarian motives, and although they might have had in view only the interest of their people, and their conduct might have been considered honourable by many Serbs, it was not possible in the determination of I.R.O. eligibility to take into account the intention, but only the actual effects of a given policy, *i.e.* in this case the fact that it resulted in actual assistance to the enemy, voluntarily given. There was no doubt that :

1. Petitioner and his colleagues had taken part in a "quisling" government, *i.e.* a government whose creation was sponsored by the enemy.
2. Their policy had actually resulted in the assistance to the enemy and they served the German cause well and truly.
3. They had accepted their posts freely, without any compulsion or duress.

In respect of the petitioner himself the Board was of the opinion that, in the same way as would have been Nedic himself, he must be excluded from I.R.O. assistance as "quisling". Petitioner was found to be not within the mandate. (Part II 1. Quislings.)

himself liable for prosecution. The business of arresting and surrendering war criminals belongs entirely to the governments and occupational authorities whom IRO may only assist by informing them of the presence of such persons except when IRO has been expressly authorised to do otherwise.

16. "2. Any other persons who can be shewn :

"(a) to have assisted the enemy in persecuting civil populations of countries, Members of the United Nations;"

17. The guiding rules laid down in respect of war criminals apply also to the above; their names are usually included in the United Nations War Crimes Commission's lists.

18. When a person, not on the above lists, is generally considered by his countrymen as having been guilty of persecution, and the Eligibility Officer has no reason to doubt their good faith, he will do well, after having collected all available information on the case, to withhold his decision until he has contacted either the occupation or governmental authorities, or his regional headquarters.

19. The "enemy" means the Governments that were at war with the United Nations, and the puppet or quisling Governments set up or sponsored by the enemy. Countries that changed sides are enemy countries until the date when they ceased to fight the allies (3).

20. "2. Any other persons who can be shewn :

(b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations."

21. In this paragraph the word "voluntarily", *i.e.* the intentional element, is the crux of the matter.

22. "Enemy forces" are the Armed Forces (including foreign legions or units fighting on the enemy's side), occupation authorities (civil and military), police, para-military and auxiliary organisations.

23. Such assistance to the enemy forces may have been strictly military or administrative or economic, but it must have been voluntary, and given deliberately and of their own free will by the persons concerned, with the specific purpose of aiding the enemy in their military operations against the Allies.

24. Military assistance includes, for example, voluntary enlistment in the German Army or in other Forces which were designed to help the German Army. Persons who have been conscripted, (*e.g.* Balts, Poles, Luxemburgers, Alsations etc.) are not to be considered as having voluntarily helped the enemy, even if they fought in his forces.

25. Similarly, members of the armies of satellite states (*e.g.* of Hungary and Roumania), except very high officers in policy-making positions are not to be construed as having "voluntarily assisted the enemy forces;" they must be regarded as either conscripts or good patriots acting under governmental direction unless it appears that they undertook special service indicating their pro-Nazi (4) (rather than merely generalised wartime pro-German) outlook. This is particularly the case with persons who continued a peacetime (even if military) occupation (5).

26. As the dates upon which conscription was enforced in the various countries are known, it may be possible for the Eligibility Officer to obtain information concerning the date at which the applicant took service, and so determine whether he was a volunteer. But neither conscription nor voluntary enlistment are by themselves sufficient proof of attitude towards the enemy.

27. Even voluntary enlistment is not always complete evidence of desire to help the enemy. Compulsory enlistment has been in many instances camouflaged by the Germans under the term "voluntary". This was done either directly, or else indirectly, *i.e.*, by suppressing rations, by threats, or other methods destined to veil, under a cloak of legality, acts which were contrary to international law. In such cases of "voluntary"

(3) *Geneva 4607*: Petitioner, who was born in the Banat of Hungarian parents, a watchmaker by profession, was working at his craft until 1938 when he began his military service and was retained in the Roumanian Army until 1943. He claimed that as a skilled technician his services were indispensable to his Commanding Officer and he was, therefore, inscribed on the Volksdeutsche list to enable him to remain at his craft. However, later in that year he, among others was ordered to remove his Roumanian uniform and as a civilian was transported to Lublin in Poland via Berlin. There the personnel were distributed to various units and he found himself attached to the Waffen SS. His duties in Lublin were as Ordnance technician in a camp containing mixed nationalities, but predominantly Russians. After convalescence spent in Roumania following wounds from an air attack, he was transferred to Ravensbruck where he resumed his duties, and was eventually taken prisoner of war by the British and released in Germany. There he found conditions unsuitable for earning a living and came to Austria in March 1948.

Petitioner was made eligible at his first interrogation on the basis of false statements. From information subsequently acquired from official sources, it was ascertained that Petitioner's background was as related during his interview with the Board. Petitioner was fully documented for emigration to Brazil.

Petitioner is excluded as a Volksdeutsche under Part II 4 (a) and under Part II 2 (b).

(4) *Geneva 5668*: Petitioner, an electro-technician, was born in Hungary and was mobilised in 1939 in the Hungarian army. He claimed that in 1941 he was assigned to the Gendarmerie, but was engaged only in anti-criminal activities. In 1945 he was evacuated by the Germans to Austria. He was excluded in the first instance under Part II 2 (b). When heard by the Board, petitioner claimed he was not a professional soldier although in his appeal he quoted the Constitution and a Geneva Order to exculpate his war time activity.

Petitioner was unwilling to return to Hungary because he feared punishment for having served in the Gendarmerie and stated he was opposed to the regime on ideological grounds. It was accepted that Petitioner voluntarily joined the Gendarmerie which was a career service and to which was entrusted the escort of Jewish transports, etc.

The service he rendered was considered voluntary service to the enemy and petitioner was excluded under Part II, 2 (b).

(5) *Geneva 5625*: Petitioner, a Surveyor by profession, was born in Hungary and was employed in the cartographic Institute, and in 1938 when the Institute came under the War Ministry, he was given the rank of Captain and continued his activities until 1945. He was evacuated with the personnel and equipment of the Institute by the Germans to Austria and obtained the rank of Major. Petitioner was made ineligible under Part II 2 (b) in the first instance.

When heard by the Board, Petitioner submitted documents which showed that he had been a pre-war employee of the Institute, that he had had no front line service and had continued his occupation until evacuated by order. He was unwilling to return to Hungary because he stated that he had had experience of Communism during the Bela Kun Rebellion. He was vehement in his opposition to the system and convinced the Board that his objections to repatriation were valid. Such service as he rendered in the cartographic Institute was not considered as voluntary assistance. Within the mandate.

enlistment, however, the assistance to the enemy shall be presumed to have been voluntary, and the applicant must therefore disprove the voluntary nature of his enlistment.

28. On the other hand, if a person, having been conscripted into the Wehrmacht, has voluntarily elected to serve in one of the Organisations specifically designed to uphold the Nazi regime, then he should be regarded with suspicion as such service might indicate, in the case of non-Germans, some specifically pro-German and pro-Nazi loyalty to German activity. Such Organisations are, for example, the S.S. Units, the Gestapo and specially dangerous military formations such as the Commandos, paratroops, submarines and certain Luftwaffe sections.

29. The motive underlying an act of assistance to the enemy forces is irrelevant; if a person in fact assisted the enemy forces and did so voluntarily he must be assumed to have been responsible for the reasonable and probable results of his acts; an allegation that he was not pro-German so much as anti-Communist is, even if true, entirely beside the point. (But note below, where the force of economic circumstances may remove the voluntary nature of economic assistance.)

30. Administrative assistance is that which was given by members of the local administration to the occupying enemy with the specific intent of helping him to win the war. As this is punishable in most countries, it is to be assumed that those who have not been charged with such offences have not committed them. Mere continuance of normal and peaceful duties should, as a rule, not be considered as voluntary assistance.

31. Economic assistance could include any help in the economic field given to the enemy forces. Strictly speaking, anyone who has sold anything to the enemy in the occupied countries has given them economic assistance, and this has given rise in many cases to indiscriminate, arbitrary and unfair action. Between the chief of an armaments factory who willingly worked for the enemy to his utmost capacity and the humble labourer who was compelled to work for him to feed his family, a line had to be drawn somewhere, but immediately after the liberation the criteria were neither uniform nor faultless. The word "collaboration" was sometimes applied where no intention of helping the enemy really existed, to industrialists who had kept their factories going at a loss with the sole purpose of reducing the output or of avoiding major disaster, closing of the works and subsequent deportation of the out-of-work labourers, or to labourers who had worked under compulsion or threat to themselves or their families. So far as the IRO is concerned, however, even economic assistance must have been aid to the enemy forces in their operations in order to fall into this clause; it is largely but not exclusively armament manufacture. The mere fact that a person voluntarily came into Germany from another occupied country to earn his living, should not be construed as "voluntary assistance".

32. In considering such assistance, utmost care should be exercised. Each case should be judged upon its merits; the age, sex, degree of education and intelligence of the applicant, his rank or social condition, the amount of pressure to which he was subjected and his physical and mental ability to resist such pressure are all factors which should be taken into consideration. In cases of substantial assistance, voluntarily given with the intention of helping the enemy the Eligibility Officer should inform the occupational or governmental authorities with a request that they should elicit, from the government concerned, information as to whether it has brought—or intends to bring—charges against these people with a view to indictment or trial. According to the answer received the Eligibility Officer shall accept or reject the application. In cases of rejection, the reason given on the notification of being not within the mandate should be—"Part II, (2) (b)", without further written comment.

33. "3. Ordinary criminals who are extraditable by treaty."

34. When a crime has been committed and the criminal is abroad, the government who intends to try him requests his extradition. The crimes that usually come under extradition treaties are crimes such as murder, poisoning, rape, arson, forgery, issuing

of counterfeit money, perjury, theft, bankruptcy, receiving stolen goods, embezzlement, bigamy, assault, grave injury, malicious destruction etc. A person in respect of whom a request for extradition has been submitted together with adequate evidence of guilt is not within the mandate. Desertion is not an extraditable offence; neither are political offences.

35. Should a case arise where the Eligibility Officer has serious reasons to believe that a person applying for assistance is or may be wanted for extradition, he should contact the governmental or occupational authorities and withhold his decision until the case is cleared.

36. Since the majority of crimes are committed by refugees in the country of haven, the use of this clause is restricted. In the absence of any other mention of criminals (except war criminals) in the Definitions, status of being within the mandate is not affected by criminal acts except in those extreme cases in which one can say of a serious criminal that he is not a *bona fide* refugee at all. Therefore, in dealing with criminals only the question of admissibility to services normally arises.

37. In this matter it is difficult to lay down a hard and fast rule. In the case of habitual criminals in camps who, it is considered, constitute a menace to good order and to the public morals, it may be necessary to see that they are denied the opportunity of affecting other camp inhabitants by the denial of care and maintenance. On the other hand, a person who has committed one crime of no great importance should not normally be denied such assistance since by extending him welfare and vocational training services, he may be aided towards rehabilitating himself into a useful member of the community.

38. It should be emphasised that there is a difference both in substance and in degree in the various crimes which a given person may have committed. Any action in respect of a criminal should not exceed in harshness the punishment which is meted out to such person by due process of law. Nor should the action of the Organisation be in the nature of a sanction: it is defensive, *i.e.* to see that its assistance is not exploited and that other persons in the care of the Organisation are not injured or harmed.

39. If the problem of criminals becomes widespread, it may in the future become necessary to give widespread publicity to all refugees to the fact that serious crimes will be shewn on their official documents and brought to the attention of the selection missions of resettlement countries. But even if criminality is not widespread, it is within the discretion of Chiefs of Missions to see that the record of any refugee having committed a serious crime is brought to the notice of any selection mission interested in the case. It is pointed out, however, that it would not assist the solution of the refugee problem if we were to deprive petty offenders, of whom there are a number in all normal communities, of the opportunity of resettlement either by declaring the individuals no longer our concern or by unnecessary frightening of the selection missions.

40. "4. Persons of German ethnic origin, whether German nationals, -of members of German minorities in other countries who :
- (a) have been or may be transferred to Germany from other countries;
 - (b) have been, during the Second World War, evacuated from Germany to other countries :
 - (c) have fled from, or into Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of allied armies."

41. The expression "Persons of German Ethnic Origin" etc., means persons belonging to German minorities who have remained a separate ethnical group, maintaining their germanic customs, language, and characteristics.

42. These German minorities have been, in many cases, established for hundreds

of years. Their existence was exploited after Hitler's acquisition of power and they were encouraged to become Fifth Columnists or advanced units of future invasions. Members of these minorities became known as Volksdeutsche, insofar as they had consistently maintained their original customs and traditions and had continued to use the German language. This name became popular as a result of Nazi propaganda and was given to them to contrast their situation with the Reichsdeutsche or Germans living in Germany proper. It should be remembered of course that many members of these minorities married local people of non-Germanic origin, so that none of these minority groups have remained purely German.

43. In 1939, 1940, and 1941 many "Volksdeutsche" were moved from their countries of long habitual residence in Eastern Europe to Germany and areas under German occupation. These movements were made pursuant to agreements between the German Government and other Governments, notably the Italian, Rumanian and Soviet Governments. During the last two years of the recent war, many members of the "Volksdeutsche" groups in Eastern Europe moved westwards, fleeing with or evacuated by the retreating German armies. After the war, there were large expulsions of "Volksdeutsche" minorities, especially from Czechoslovakia, Hungary, Poland and Yugoslavia; the expulsions from Czechoslovakia, Hungary and Poland were to some extent regulated by the Potsdam Agreement in 1945. The great bulk of the "Volksdeutsche" transferred, evacuated or expelled during or after the war is in Germany; they number over 7 million. Nearly 300,000 are in Austria. Much smaller groups remain uprooted in other countries, for example a group of over 15,000 men in Czechoslovakia whose families were expelled into Germany. Small movements continue of "Volksdeutsche" from Czechoslovakia and Yugoslavia into Austria and Germany.

44. When in May 1946, it was proposed to create a Refugee Organisation, it was proposed that all "Germans" be disqualified. However as the discussion proceeded it appeared necessary to define precisely the meaning of the word "German". That is why the Constitution provides that not all "persons of German origin etc." are outside the mandate but only those who fall under one of the three specified categories. This clause has, however, given rise to much dispute as to its interpretation.

45. In view of the consequent uncertainty, the Director-General has ruled that one specific class of Germans should not be regarded as being within the scope of the Organisation's operations although individuals in it are to all appearances refugees. This class consists of the small numbers of Germans (and Austrians) who have left Germany (or Austria) since the war and many of whom allege political reasons or reasons of persecution for returning to the Russian occupied Zones.

46. Sub-paragraph (a) "have been or may be transferred to Germany from other countries" has been the subject of the following administrative rulings:—

- (a) All Volksdeutsche in Germany are to be regarded as being assimilated to the category of those who have been transferred under a German Resettlement scheme (6), forcibly moved by the German army (7), even deported by the Germans other than as Volksdeutsche (8), moved under the ordinary post-war arrangements or after forced labour in Russia (9) or by other means (10).
- (b) The status of all Volksdeutsche not in Germany cannot be decided so far as this clause is concerned: unless they are excluded under some other clause, they are to be regarded as "In suspense". Volksdeutsche conscripted into the German army should not be excluded as having voluntarily assisted the enemy forces (11) they may, however, be "in suspense" as Volksdeutsche (12).

47. The other clauses rarely arise:

"(b) who have been, during the Second World War, evacuated from Germany to other countries;"

of year. Their support was expressed in the House's rejection of 1907 and 1908. They were supported in 1909 and 1910. The House's support was expressed in 1911 and 1912. The House's support was expressed in 1913 and 1914. The House's support was expressed in 1915 and 1916. The House's support was expressed in 1917 and 1918. The House's support was expressed in 1919 and 1920. The House's support was expressed in 1921 and 1922. The House's support was expressed in 1923 and 1924. The House's support was expressed in 1925 and 1926. The House's support was expressed in 1927 and 1928. The House's support was expressed in 1929 and 1930. The House's support was expressed in 1931 and 1932. The House's support was expressed in 1933 and 1934. The House's support was expressed in 1935 and 1936. The House's support was expressed in 1937 and 1938. The House's support was expressed in 1939 and 1940. The House's support was expressed in 1941 and 1942. The House's support was expressed in 1943 and 1944. The House's support was expressed in 1945 and 1946. The House's support was expressed in 1947 and 1948. The House's support was expressed in 1949 and 1950. The House's support was expressed in 1951 and 1952. The House's support was expressed in 1953 and 1954. The House's support was expressed in 1955 and 1956. The House's support was expressed in 1957 and 1958. The House's support was expressed in 1959 and 1960. The House's support was expressed in 1961 and 1962. The House's support was expressed in 1963 and 1964. The House's support was expressed in 1965 and 1966. The House's support was expressed in 1967 and 1968. The House's support was expressed in 1969 and 1970. The House's support was expressed in 1971 and 1972. The House's support was expressed in 1973 and 1974. The House's support was expressed in 1975 and 1976. The House's support was expressed in 1977 and 1978. The House's support was expressed in 1979 and 1980. The House's support was expressed in 1981 and 1982. The House's support was expressed in 1983 and 1984. The House's support was expressed in 1985 and 1986. The House's support was expressed in 1987 and 1988. The House's support was expressed in 1989 and 1990. The House's support was expressed in 1991 and 1992. The House's support was expressed in 1993 and 1994. The House's support was expressed in 1995 and 1996. The House's support was expressed in 1997 and 1998. The House's support was expressed in 1999 and 2000. The House's support was expressed in 2001 and 2002. The House's support was expressed in 2003 and 2004. The House's support was expressed in 2005 and 2006. The House's support was expressed in 2007 and 2008. The House's support was expressed in 2009 and 2010. The House's support was expressed in 2011 and 2012. The House's support was expressed in 2013 and 2014. The House's support was expressed in 2015 and 2016. The House's support was expressed in 2017 and 2018. The House's support was expressed in 2019 and 2020.

47. The...
48. These German minorities have been, in many cases, established for hundreds of years.

(6) *Geneva 3935*: Petitioner who came to Germany under the Umsiedler scheme in 1941 returned to Lithuania in 1943 and fled again in 1944. On interview, his story that he was only employed as a hired hand in Germany, that he crossed the frontier illegally when he returned and that he did not get his property back in Lithuania was believed until his papers were checked through. The notes of the first interview revealed that on that occasion he had told a different story, having stated that he had been sent back in 1943. Other discrepancies were remarked, notably concerning the receipt of an Umsiedlerausweis and it was therefore assumed that, benefitting from the Umsiedler scheme, he had at least regarded himself and was regarded as a Volksdeutsche, if he did not, in fact, take out German citizenship. Not the concern of IRO.

(7) *Geneva 3817*: Petitioner, a member of the German speaking minority in the Banat, was evacuated by the German army in 1944, shortly before the Rumanian capitulation, when his home town became a front line area. He claimed his family came originally from Alsace-Lorraine. At the time that they moved to Banat, however, Alsace was under Prussian domination, the population consisting of a high percentage of pure Germans as it did now. Petitioner's first language was German and he was considered as a member of a German minority and excluded under para. 4 (a) of Part II.

(8) *Geneva 3859*: Petitioner, who possessed Polish citizenship before the war and served in the Polish army in 1939, stated that he was conscripted into the Wehrmacht in 1940 after the fall of Poland. He lived with his father, an Austrian (German element), and mother, Ukrainian, in the Polish Ukraine before the war, and on the fall of Poland fled to the Western provinces from where he was taken to work in Germany. He worked in Marienbad and then in Wolfsburg where he was first registered as a Volksdeutsche in a camp and had obtained accommodation for himself and his family, who had come to Germany to join him, in the town, having registered as a German. He was considered as a member of a minority of German ethnic origin who had been transferred to Germany and not the concern of the Organisation. (Part II, para. 4 (a).)

(9) *Geneva 3820*: Petitioner who served in the Rumanian Army and was demobilised in Rumania, was deported as a Volksdeutsche to Russia for forced labour in 1945. He was discharged in Frankfurt/Oder in 1946 by the Russian authorities. He was considered of German ethnic origin and not the concern of the Organisation, under Part II, 4 (a).

(10) *Geneva 3982*: Petitioner, a German left Germany with his Austrian wife after World War I and settled in Ethiopia. In 1924, after continual quarrels with the German Legation, he and his wife renounced their German citizenship and he stated they took Abyssinian nationality; on replacement of the Legation staff they revoked this nationality and reacquired German citizenship. However, after further quarrels with the Legation, they once more revoked German citizenship and for the second time, became Abyssinian nationals.

On the Italian occupation, petitioner claimed he was regarded as being stateless, having refused to accept Italian citizenship under a decree that all white nationals of Ethiopia must become Italian.

After the Italians were driven from Abyssinia by the British forces, petitioner and his wife were offered the opportunity of being evacuated to South Africa. However they alleged bad treatment by the British authorities and stated that they therefore asked to be sent to Italy, which they were with other Italian refugees of non-military age.

Although petitioner produced a Fremdenpass he was considered as a person of German ethnic origin who had been transferred to Germany. Unlike many of his nationality resident in foreign countries he had the opportunity of being treated as a refugee by the allies and awaiting the end of the war in security. He chose to take the infinitely more precarious course of returning to Germany via Italy. Not the concern of the Organisation —(Part II—4 (a)).

(11) *Geneva 1983*: Petitioner, of German extraction, was, prior to the war, citizen of the Free State of Danzig. In June, 1940 he was conscripted into the Wehrmacht, served until the end of the war and was taken prisoner by the Allies. Petitioner was

(b) ...

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considered a refugee under Section A. 1. of Part I of the Constitution. After the incorporation of Danzig into the Reich, all able bodied citizens of German extraction were conscripted into the Wehrmacht, and his services could not therefore be construed as voluntary.

Article IX B of the Potsdam Conference statement placed Danzig under the administration of Poland and article XIII defined all persons of German extraction within Poland as transferable. It appeared therefore that all Danzigers of German ethnic origin (i.e. over 90%) were transferable within the meaning of Part II, 4 (a) of the IRO Constitution.

(12) *Geneva BA 505*: Petitioner, a Volksdeutsche from Banat, was forced as a Volksdeutsche to serve as civilian employee (interpreter) to the Wehrmacht. Such services, from a Volksdeutsche, was not voluntary assistance but the petitioner is excluded under Part II, 4 (a).

One of the principal purposes of Hitlerism was to evict anti nazi landowners and farmers from the conquered countries and to replace them by German Nazi minded families. This plan for the transfer of populations was conducted under the supervision of the "Reichsamt für die Festigung des Deutschtums", especially in Poland and in Alsace, but also elsewhere. Members of German families who were thus transferred abroad during World War II are ineligible for IRO assistance, even if they should succeed in establishing that they have acquired citizenship in their new home.

"(c) who . . . have fled from, or into Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied Armies."

This provision is made in order to exclude certain persons who perhaps cannot be proved to be War Criminals, Quislings and Traitors, nor to fall under 2 (a), (b) of Part II, but in respect of whom there is some indication that their flight was "to avoid falling into the hands of Allied Armies"; such persons are outside the mandate, whether German nationals or members of German minorities. The direction in which they fled, i.e. towards Germany or away from Germany is immaterial, as the crux of the matter lies in the *purpose*. Mere flight, due to panic, before an advancing army, does not result in a person being made outside the mandate who might be otherwise within the mandate. Whereas the applicant himself is not likely to confess the real purpose of his flight, his interrogation may lead to suspicions, which, if they are founded on reasonable grounds, would justify the Eligibility Officer in declaring him not within the mandate.

48. It should be noted that, in order to be counted as Volksdeutsche and therefore coming under the operation of this clause, a person must have been a member of a German minority—German ethnic origin by itself is not enough (13). The actual German minority need not necessarily have been in Europe (14). Although Hungarian minorities (for example in Czechoslovakia) were transferred under the Potsdam Agreement, members of them do not fall under the operation of this clause and may be within the mandate (15). It should be noted that the clause is mandatory—even deserving cases of anti-Nazis come under it (16).

49. The major difficulty is to determine whether or not an applicant is of German ethnic origin. There must in the first place be some evidence of German ethnic origin (17). A person cannot be considered as of German ethnic origin without some clear indication. In this matter the whole background of the applicant is important, not only his family name, but also his first name, the language customarily spoken at home, the school attended and in many cases the religion (18). It should be remembered that the fact that an applicant is married to a Volksdeutsche woman is irrelevant (19); especially if the marriage took place after the war (20). Similarly, the geographical ancestral origin of the applicant is irrelevant. Some clear Volksdeutsche, for example, stem from families originating in Alsace Lorraine (21), and others from Austria (22). In each case it must be remembered that ethnic origin is a somewhat different conception from ancestral location. Similarly, it should be noted that the fact of at one time being an Austrian citizen is not by itself evidence either of German origin or of membership of a German minority (23).

50. War time activities may, in certain circumstances, be evidence of membership of a German minority (24) just as may be the applicant's general background and behaviour (25). It may, of course, be evidence to the contrary (26).

51. Some German army units, for instance, the Prinz Eugen Division, were well known as Volksdeutsche units. Membership of them would normally raise a presumption that the member was a Volksdeutsche (27). Transfer to Germany other than for forced labour raises the same presumption (28) as does signing the German Volksliste (29). Similarly, expulsion from, for example, Czechoslovakia after the war raises the same

(13) *Geneva 123*: Petitioner, a Ukrainian, lived on her farm, which had been put under the collective system, in Ukraine (Kammenetz Poolsk) until 1944, when she was deported to Germany with all the other inhabitants of the village after it had been set on fire. Petitioner, whose maiden name was Rode, admitted being of German origin, but said her family had been established for several centuries in Poland. She knew no German and remembered that her grandparents spoke no German; her own family did not belong to a German minority and her husband's family was purely Russian; her husband and children were orthodox, although she, herself, was Lutheran.

In Germany she had worked on heavy manual labour as an Ostarbeiter. There was no indication that the applicant's name was identical with Beresowski (No. 232 on EWZ list). In these circumstances the registration could not be taken as decisive and there was no indication of voluntary assistance to the enemy.

Her first husband had been a Tzarist policeman, and was constantly molested by the NKVD and she had been threatened with deportation to Siberia.

Petitioner was found to be a displaced person who expressed fear of persecution substantiated upon interview. Her objections against repatriation were therefore accepted as valid. Within the mandate.

(14) *Geneva 2004*: Petitioner, a Guatemalan subject of German origin, was transferred by the US authorities to Germany in 1942. He wished to return to Guatemala and to avail himself of the Organisation's assistance to get to Paris in order to appear before the Guatemalan Minister there. Excluded under Part II, 4.

(15) *Geneva 68*: Petitioner, a former Czechoslovak citizen of Hungarian ethnic origin, lived in Slovakia, as was proved by documents which he produced on appeal. His father, Akos Wieland, came from a family established in Slovakia (former Hungary) for 400 years; his mother Marie Anna Czaki was of true Hungarian stock. Petitioner lost his Czech nationality by the decree of 2nd August 1945 because of his Hungarian origin and his property was confiscated the same year for the same reason.

Petitioner, who had been a large landowner, had valid objections against repatriation which he substantiated upon interview. He had already lost his property and his refusal against repatriation was certainly not caused by the hope of gaining economic advantages from emigration. Within the mandate.

(16) *Geneva 349*: Petitioner, an exceptionally deserving case, was an anti-nazi who had tried to escape from the German army to join the Allies in Roumania and had been sentenced to death by a German Court Martial. After being pardoned, he had helped allied prisoners of war, and had finally passed over to the allied lines and cooperated with the US troops in the psychological warfare branch of the 8th Army.

Petitioner had high testimonials and many letters of gratitude from US soldiers whom he had helped. Nevertheless he was a German national in Austria who might be transferred to Germany and as such was excluded from IRO assistance by para. 4 (a) of Part II of the Constitution.

(17) *Geneva 4703*: Petitioner, a Ukrainian from Soviet Russia, whose parents emigrated to Poland in 1929, worked in Poland until 1943 when he left for Pommarania and was sent to Mariber in April, 1944. Petitioner claimed to have been conscripted for this work in Mariber by the Arbeitsamt, but there was no evidence that he had been treated as a forced labourer. On the other hand, there were no indications that petitioner had voluntarily assisted the enemy forces.

Petitioner had been declared ineligible as a Volksdeutsche from Poland and his CM/1 form indicated that he was of German ethnic origin. On appeal, and on interview, however, the Board felt that there were not sufficient indications of German ethnic origin to identify petitioner as a Volksdeutsche.

(18) *Geneva 3998*: Petitioner, a Polish born Pole, has been found ineligible in first instance on the presumption that she was a Volksdeutsche on account of her name and religion. The family appeared to have derived no benefit from the German rule and it was stated that petitioner's father had lost his job and had been re-employed in a junior

position. Petitioner who had attended Polish schools, and spoke Polish as her first language, could not be considered a member of a German minority in spite of her name and religion.

Her brother had served in the Wehrmacht in Italy, but this was no firm indication of German origin if he had been conscripted in the later stages of the war, because certain units in Italy (such as the 149 Regt) had contained a high percentage of Eastern European nations. The brother was now in England (demobilisation from Anders Army). Within the mandate.

(19) *Geneva 468*: Petitioner was a Yugoslav from Croatia, of Slav descent, whose wife's family, of German origin, had lived in Yugoslavia for more than two hundred years. The status of the husband, as head of the family, would determine that of his dependents.

Petitioner's flight before the advancing Soviet troops in 1944 had been caused by a natural desire to safeguard his family, and strong political objections. Within the mandate.

(20) *Geneva 127*: Petitioner, a Lithuanian of Russian origin, had lived in U.S.S.R. until 1938 when he had fled to Lithuania because his father had been arrested as a suspected Trotskyist. He worked on a farm in Lithuania until February 1944, when he had been forcibly deported to Germany to work for the Arbeitsamt.

In 1947 he had married a Polish Volksdeutsche called Angela Schmidt whose name has been found on the EWZ list. This circumstance was not relevant in respect of petitioner as the registration had been made in 1944, before the marriage.

There was no evidence of German ethnic origin, nor of voluntary assistance to the enemy. Within the mandate.

(21) *Geneva 3857*: Petitioner, who claimed that his family originated in Alsace Lorraine, was a member of the German speaking minority of German ethnic origin in the Rumanian Banat. He had been brought to work in Vienna in 1943 and was eventually transferred to Germany. Not within the mandate.

(22) *Geneva 3904*: Petitioner, who had been evacuated by the German army in 1944, was a member of a German speaking minority of German ethnic origin, although it might well be that his claim, that his family originally came from Austria, was true. Not the concern of IRO.

(23) *Geneva 362*: Petitioner was a Yugoslav national from Slovenia, both of whose parents were Slovenes, their ancestors having lived in Slovenia from time immemorial. Like most older Slovenes, they had been citizens of the Austrian monarchy until the time of the treaty of St. Germain-en-Laye (1920): Although originally Austrian, petitioner was a member of the local community in Slovenia, and not a member of any minority or dissident group. (It should be noted that the major part of the Slovenian population was originally comprised of ex-Austrians). Within the mandate.

(24) *Geneva 315*: Petitioner, a Czechoslovak of Slovak descent on his father's side was born in Klagenfurt and was educated there. His mother was from Klagenfurt and, after the war, in 1945, he fled there to his grandfather's home.

During the war petitioner obtained permission to travel to Berlin and obtained an engagement with a cinema firm there; during the three years there he was given full facilities to travel to Czechoslovakia where he spent his leaves, and he was never submitted to forced labour. There was a strong presumption that petitioner, who is partly of German origin, belonged to the German minority in Slovakia. Not the concern of the Organisation.

(25) *Geneva 359*: Petitioner who had held Czech citizenship in 1939 was of undetermined nationality. Having been born Austrian, he had later applied for Austrian citizenship but did not complete this application because he considered there was no future for him in that country as the Austrian petrol industry with which he was connected was now in Russian hands. He therefore wanted to emigrate.

Petitioner, who had lived in Vienna before 1938, had left that city for Prague because he had married a Jewess whom he had eventually divorced. In Prague he was Sales Manager of Shell Ltd. and claimed to have been sent by the Germans to Hamburg in

1939 where he remained in the "Rhenania Ossag Co." (a subsidiary company of the German Shell Group) until 1946. There were no signs of forced labour, but of preferential treatment which Czechs rarely enjoyed.

Petitioner was educated (1913-1921) in the Sudetenland and had a "Heimatschein" dated 1938 from Neutitschein in Sudetenland.

It was concluded from his case history that he was a member of a German minority and thus not the concern of the Organisation.

(26) *Geneva 461*: Petitioner a Polish national, who obtained Polish citizenship in 1935, was German born in Berlin of a German father and a Polish mother; though of German origin, he was not a German national and there was no evidence that he belonged to a German minority. He was educated by his mother, who was divorced, in Poland. He was a Polish scout and served in the Polish Army. He was acknowledged as a Pole, married a Polish girl, belonged to the Roman Catholic faith, never had any contacts with or sympathies for the German minority, and was finally treated as a Pole by the Germans, persecuted as such and deported to Germany for forced labour. Within the mandate.

(27) *Geneva 4006*: Petitioner, who lived in Yugoslavia until 1944 stated that he was then conscripted into the SS Prinz Eugen Division. This Division, which had a very unsavoury reputation in the Balkans, was composed almost entirely of Volksdeutsche from the Danube basin. His service with this Division created a strong presumption that petitioner was of German ethnic origin and in the absence of evidence to the contrary he was regarded as not the concern of the Organisation.

(28) *Geneva 1322*: Petitioner, aged 68, a person of unspecified nationality, formerly Rumanian and Hungarian, of Felseviso (Marmaros), claimed that he did not work from 1939 to 1947, neither had he any documents or evidence showing his identity, nationality or work. He admitted to having been transferred to Upper Silesia in January 1940, and it was obvious that he and his wife (née Pauline Fuhner) had availed themselves of the facilities given to Volksdeutsche to obtain resettlement in Germany. Although he applied to the Organisation for repatriation only, since his transfer had not been due to forcible deportation, but had been effected because of his German ethnic origin, he is not the concern of the Organisation.

(29) *Geneva 1706*: Petitioner was a Polish citizen, born in the Lwow district of the Austro-Hungarian Empire, ceded to Poland in 1918 and later incorporated into USSR. The family name Hoffmann as well as petitioner's mother's maiden name Lehner suggested German origin.

According to a military service certificate, he was mobilised in the Polish Army in 1939. He was taken POW but fled to that part of Poland which was occupied by Soviet Troops. Though he was not ill-treated, his personal observations during that period determined his negative attitude towards the Soviet Regime. He admitted having signed a Volksliste in Spring 1943, but claimed that it was done under duress. He told a plausible story—forced because of German name—but did not furnish any evidence that it was so in his case.

Petitioner was regarded as a Volksdeutsche from Poland, residing in Germany. Not within the mandate.

presumption, but it must be remembered that there were exceptions and that some members of the German minority were not expelled (30).

52. In general, however, the fact that applicant had gone to Germany as a resettler on one of the Nazi sponsored schemes during the first years of the war is the best evidence of his German ethnic origin (31), and this evidence is particularly useful if it is supported (32). There may, however, be some cases of persons who came as settlers to Germany whose names were on the EWZ lists or who came as Umsiedlers, who nevertheless cannot be regarded as of German ethnic origin. For example, there is occasionally confusion as to whether the actual applicant is identical with the person whose name appears on the EWZ list (33), or other mistakes (34). It appears that some persons had their names included on the EWZ lists without their knowledge (35) or sometimes a man's wife might have made application, the husband not being in any way involved (36). It seems that in some cases compulsion to register for transfer to Germany was used (37). Such mistaken registrations must, however, be considered as rare and examined with care. Allegations of this sort could easily be verified by making reference to the Berlin Documents Centre. It should be borne in mind that a number of such allegations have been found after making such reference, to be false. There are, however, a large number of genuine cases in which persons of ethnic origin other than German used the German resettlement machinery in order to escape from a communist regime which they had reason to fear (38). Such persons who applied for resettlement in Germany would, however, be excluded from the concern of the Organisation if they became German citizens and remained in Germany (39). A person of non-German ethnic origin who, under these circumstances took German citizenship and who is not now in Germany, could, however, hardly be considered to be within the mandate insofar as he would be unable to express valid objections to repatriation to Germany.

53. The acquisition of German citizenship should be neglected in the case of someone otherwise not of German ethnic origin, but who was in extreme youth at the time of application (40).

54. Occasional cases occur of persons who have registered as Volksdeutsche since the war in order to avoid repatriation. Such registration is not to be taken as proof of German ethnic origin (41) by itself. It should be noted that under Section 1 of Article 116 of the Bonn Constitution, persons of German origin admitted at any time as refugees to the German Reich as it existed on 31 December 1937 are German nationals. Thus after the promulgation of the Bonn Constitution all Volksdeutsche in Germany will be *de jure* German citizens and therefore cannot be within the mandate of IRO.

55. "5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them."

56. This rule provides that a person is not the concern of IRO if he is in receipt of both financial support and protection from the country of nationality. "Financial support" means regular cash allowances or maintenance. "Protection" implies not only the delivery of passports or certificates of nationality, but full diplomatic protection and assistance in the manner that a government usually extends to its nationals. It is evident that such persons are not political refugees, and therefore would not qualify under the provisions of Part I of the Constitution; the object of this exclusion clause is to make it quite clear that persons are not considered refugees or displaced persons merely because they are under the protection of, but not receiving financial support from, a Government. The support must emanate from the Government of the country of the refugee. Aid from private individuals, members of his family, or from benevolent institutions does not cause an applicant to be ruled outside the mandate; whether such aid may be taken into account when it comes to granting a specified kind of service, or determining the amount

(30) *Geneva 2203*: Petitioner, a Slovak, claimed to be of undetermined nationality and to have been evacuated from Slovakia with his family on April 1st, 1945. He had, in the first instance, been declared to be under Part II 4 (a) and appealed against that decision because he claimed he was not of German ethnic origin.

Petitioner, who spoke German perfectly, was the son of Michael Tetz and Johanna Klopff and husband of Aloisia Naumann; the latter did not speak one word of Czech. He was a journalist who wrote Articles in German; and was on the "Grenzbote", a German newspaper printed in Czechoslovakia, until the end of the war. He argued that the decision was wrong because his parents were still living in Czechoslovakia and this would not have been the case if they had been Volksdeutsche.

It was possible that petitioner's parents did live in Czechoslovakia and did not come under President Benes' decree of 2 August 1945. This might be because although Volksdeutsche, they had, in 1945, reported officially as Czechs (para. I, art. iii) or because they had for another reason, been allowed to retain Czech nationality (para. 2 (i)), or they had been declared politically reliable (para. I, art. iv).

However, petitioner's whole background pointed to German ethnic origin; he had not attempted to return to Czechoslovakia between 1945 and February 1948, nor had he applied for retention of Czech nationality, and in these circumstances, until he could bring proof to the contrary, he was presumed to be of German ethnic origin. Not within the mandate.

(31) *Geneva 378*: Petitioner, an Estonian, was evacuated from his home in Tartu on 20 August 1944, by boat to Gotenhaven (Gdynia) and was sent from there to Coburg. He had studied medicine and worked as an assistant physician in German hospitals. Petitioner's name as well as his wife's were on the EWZ list, and when questioned upon interview, he could give no explanation. He spoke German fluently, belonged to the Evangelic Confession and was not sent to slave labour in Germany. It was therefore assumed that he was considered as Volksdeutsche and accepted as such on the EWZ registration. Not within the mandate.

(32) *Geneva 505*: Petitioner came to Germany in 1941 under the Hitler-Ribbentrop agreement and remained there throughout the war. He was nearly 80 years of age. His son was made ineligible on the grounds of German ethnic origin because he had also come to Germany, and had then returned to Lithuania to his own home in 1942. His story was more than unsatisfactory because he contradicted himself, having stated on his CM-1 form that he was an independent saddler and in his appeal that he had worked for various farmers as a labourer. He held Umsiedler documents and in the absence of any evidence to the contrary, he was considered as of German ethnic origin. The father had not returned to Lithuania, presumably because he was too old.

Bearing in mind that the purpose of the scheme was to find recruits for labour, settlement in annexed territories and for the armed forces, it was considered unlikely that the German repatriation Mission would have accepted petitioner aged eighty with his wife and three other female dependents had he not had some strong claims to repatriation on racial grounds.

In view of his son's record and his own emigration to Germany and in absence of any evidence to the contrary, it was concluded that the Petitioner was of German ethnic origin and excluded under Part II 4 (a).

(33) *Geneva 399*: Petitioner, a Ukrainian, whose father and grandfather were Ukrainian and mother Polish, married a Russian in 1940; the latter was killed by a German soldier in 1941. Documentary evidence was submitted that she had been doing forced labour in Germany since Sept. 1943 and there was no evidence of any privileged treatment.

She had been evicted by IRO in Oct. 1947 on the ground of having been registered on EWZ list under No. 360. She strongly denied any application or even knowledge of the fact. Verification of the list revealed that both the name and the family name on the list are spelt differently. Moreover, no other information appeared on the list besides the name. Considering the uncertainty whether she was actually registered and in view

The first part of the report deals with the general situation of the country and the progress of the work done during the year. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and a list of the names of the staff members who have been engaged in the work.

The second part of the report deals with the financial statement of the organization for the year. It shows the income and expenditure for the year and the balance carried over to the next year. It also shows the assets and liabilities of the organization at the end of the year.

The third part of the report deals with the personnel of the organization. It gives a list of the names of the staff members and their positions. It also gives a list of the names of the members of the organization and their names.

The fourth part of the report deals with the general remarks of the organization. It gives a list of the names of the staff members and their positions. It also gives a list of the names of the members of the organization and their names.

of the evidence of the origin and employment, there is no reason for exclusion. She has expressed valid objections.

(34) *Geneva 150*: Petitioner, a Pole, was deported from Stanislaw in May 1943 a few months after her husband's deportation; he later disappeared during an air raid. She could give no explanation why her name was on the EWZ list. She denied ever having contacted the EWZ commission, or having German ethnic origin; her maiden name, Lopuszanska was purely Polish, she had no German background and only learnt German since being deported from Poland. There was no evidence in the case file that petitioner had acquired German nationality, nor that she was a member of a German minority. In Germany she had worked in a cigarette factory and later on a farm. Her two brothers were in the Polish Corps of the British Army; one had been killed in action at Monte Cassino, the other was still in England. There was no evidence of voluntary assistance to the enemy. Within the mandate.

(35) *Geneva 97*: The interview revealed that the petitioner had been put on the EWZ list without his knowledge. Evidence that the petitioner was regarded as Ukrainian and was treated as an Ostarbeiter was sufficient proof that he was not a Volksdeutsche. He had not applied for German citizenship and had gained no advantages from the fact that his name was on the list. Under such circumstances it was considered the EWZ registration did not constitute a reason for exclusion. Within the mandate.

(36) *Geneva 1730*: Petitioner, a Lithuanian, had left his country in January, 1941, through fear of Soviet persecution. He claimed his name had been included on the EWZ list as a result of the application of his wife who was regarded as a German because they lived in the Memelgebiet. After working in Danzig, he was sent to the Herman Goring works in Brunswick where he worked for 120 Marks per month until 1943, when he was conscripted into a Labour Corps which later became a military detachment. His wife had remained in Brunswick, and had not been subject to forced labour because she had two young children. Petitioner had received 30 marks per month in the Labour Corps and his wife had received an allowance during that time through the Burgomeister.

He admitted the inclusion of his name on the EWZ lists, and gave a straightforward account of his wartime activity in Germany. There was no conclusive evidence of voluntary assistance to the enemy forces, nor of German ethnic origin. Within the mandate.

(37) *Geneva 104*: Petitioner was a Polish national, whose maternal grandfather was a German. The rest of her ancestry, and her husband, were of Slav ethnic origin. Her maiden name was CHROMECKA. In 1940 she had been arrested by the Gestapo as a suspected Jewess, but had been released when she brought evidence to the contrary. The Gestapo had then compelled her to sign the EWZ list.

In 1944, she been forcibly deported to Germany and although she admitted that she was a Volksdeutsche it could not be said that she came under the exclusion clause of para. 4, Part II. The fact that her maternal grandfather was a German (married to a Polish woman) was not sufficient to exclude her. She neither spoke German nor belonged to a German minority and her religion was Roman Catholic. She had not obtained German naturalisation and claimed that she still retained her Polish nationality. (Petitioner was declared not within the mandate, but merely from lack of valid objections.)

(38) *Geneva 383*: Petitioner, a Lithuanian, had previously served in the Lithuanian Army and had belonged to a notorious anti-communist Organisation. After the occupation of his country he had been summoned several times and had been examined by NKVD, and had been finally discharged and placed on the list of persons to be deported to Siberia, as was testified by the Lithuanian Committee in Germany.

Petitioner admitted remote German ancestry dating back several hundred years, but he did not belong to any German minority and was a genuine Lithuanian whose family had for many generations dropped the German language and customs. He further admitted having approached the German Repatriation Committee (EWZ) to be sent to Germany as a Lithuanian Protestant but with the sole purpose of avoiding

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deportation to Siberia. The hard manual work which he had been made to perform in Germany for a low salary indicated that he had not benefitted by his transfer to Germany and that his registration on the EWZ lists had not been made with the intention of voluntarily assisting the enemy; nor had it been followed by any application for German citizenship. Within the mandate.

(39) *Geneva 103*: Petitioner, an Estonian, a pharmacist by profession, had escaped from his country in March 1941, when it was invaded and members of his family had been arrested and deported; as he could not go to Sweden he had no other alternative than to go to Germany. He had contacted the EWZ Commission and had reported that he was a "Nachumsiedler" (returning emigrant). In Germany he had obtained work as an assistant pharmacist, at Fils Biburg (near Landshut). The duties which he had performed were a continuation of his peace time duties, and had not been carried out with the purpose of assisting the enemy against the allies.

There was also evidence that when ordered in March 1943 to take over, as a custodian, the administration of a Polish pharmacy in Kattowice, belonging to an enemy of Germany, he had refused to do so, and had returned after a few weeks to his work at Fils Biburg.

Nevertheless, the EWZ documentation indicated that petitioner and his wife has applied for German nationality and it was certain that petitioner had voluntarily registered with the Einwanderungszentrale as a "German Repatriate"; he had obtained comparatively light work in Germany, had been offered at least one opportunity as a "Treuhänder", he and his wife spoke fluent German and they had been transferred to Germany from Estonia. They were therefore considered as persons of German ethnic origin. Not within the mandate.

(40) *Geneva 128*: Petitioner, a young Estonian girl, had been brought by her father to Germany in 1941. He had died in Schwab Hall in 1942. At that time, when she was 16 years old, the EWZ formalities which had probably been begun by her father had been fulfilled by petitioner and she had accepted the EWZ registration and citizenship in May 1942. Her acceptance of German citizenship at that age could not be considered as voluntary and there was no evidence of voluntary assistance to the enemy. Within the mandate.

(41) *Geneva 353*: Petitioner a Hungarian of true Hungarian stock produced conclusive evidence in the form of at least 20 original birth and marriage certificates proving that both his parents, grandparents and their forefathers were of non-Germanic origin and himself spoke little German.

He admitted, however, that after the collapse of Germany he had registered with the allies as a Volksdeutsche and explained this as follows:

When in September 1944 his home town of Koloszar had been overrun by the Russians he had fled to Budapest; when that town had been taken he had fled to Austria, in territory under the control of the US Army and had found refuge in a displaced persons camp. There, having heard reports concerning the fate of Hungarians who had been repatriated, and having feared compulsory repatriation, he had requested to be transferred to a Volksdeutsche camp, as the only means of avoiding repatriation. Within the mandate.

of assistance is another matter. A person, given assistance in cash by a private institution, may receive legal protection, and even additional assistance in cash from IRO.

57. Refugees and Displaced Persons who support themselves by private employment are not *ipso facto* excluded. On the contrary, useful employment is encouraged by IRO policy and Constitution.

58. Released prisoners-of-war who have not been repatriated are, as a rule, not in receipt of support and protection from their Governments.

59. Refugees and Displaced Persons, although receiving financial support and protection from their home Government, may, however, still be within the terms of the Constitution before declaring them to be within the mandate.

60. It is appropriate here to consider the effect on refugee status of holding a national passport.

61. The holder of a national passport will be presumed to be availing himself of the protection of his Government. But the presumption may be rebutted in various circumstances. For example, it may be that the Government is not extending any comprehensive or normal protection to him or the passport may have been issued before he became unwilling to avail himself of the protection of his Government; or he may shew that he needs the passport as a travel document and cannot travel otherwise (some Governments only allow immigration on national passports: some Governments do not issue the London travel document). (See also pp. 9 and 103.)

62. If it is determined that a person included under Part I, Section A or B is in fact in receipt of Governmental protection, he will not be the concern of the Organisation if he is also receiving assistance from that Government. Nor will he become the concern of the Organisation under Part I, Section C unless if he objects to repatriation, he expresses objections other than political ones: that is, he may be the concern of the Organisation if his objections are based on religious or racial grounds or are compelling family reasons based on previous persecution, or if he is willing to be repatriated.

63. "6. Persons who, since the end of hostilities in the second world war :

(a) have participated in any Organisation having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a member of the United Nations, or the overthrown by armed force of the Government of any member of the United Nations, or have participated in any terrorist organisation."

64. It is natural for dissidents and political refugees to adopt a hostile attitude towards the governments with which they disagree and to form organisations or associations of persons who share their ideas, but so long as the organisation to which they belong does not aim at overthrowing their government by armed force, they are not excluded from the concern of IRO. From this follows that whereas mere membership or financial support, however small, given to an organisation whose purpose is to overthrow a government,—member of United Nations—by *armed force* suffices to debar a person from being the concern of IRO (42), membership or participation in any organisation aiming at the overthrow of a government by *legal and peaceful methods* is not a cause of exclusion. It is obvious that neither the organisations which aim at overthrowing governments by force nor terrorist organisations will openly admit the purpose which they have in view. If an Eligibility Officer has reasons to suspect that an applicant has participated in such organisation, he should refer the case to the legal or security services of the Zone before taking a decision. "IRGUN" is an example of a terrorist organisation.

65. "6. Persons who, since the end of hostilities in the second world war : . . .

(42) Geneva 4495: Petitioner, a Yugoslav and former Brussels Student served as a Captain in the army of his country from 1937 until April 1941. He was then taken prisoner of war and brought to Germany where he was imprisoned between April 1941 and June 1942; then he was released for ill health. In July 1942 he answered the call of Mihailovic and became a Lt.-Col. in the capacity of Chief of the Belgrade staff of Col. Alex Mihailovic.

On 2nd January 1947, he came to Austria, having until this date continued underground resistance against the present Yugoslav Government.

In January 1947 he had had to flee because he had been in danger of being detected by the Police. In Austria he admitted to having maintained contacts with the Yugoslav underground movement. His past activities and his wish to remain in Austria for the time being created a serious suspicion that he was participating in an Organisation having as one of its purposes the overthrow by armed force of the Government of his country of origin. Not within the mandate.

(b) have become leaders of movements hostile to the Government of their country of origin being a member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin."

66. It follows that :—

- (a) Only actual leaders, (i.e. key men who exercise a determining influence on the policy of the movement and not mere subordinates or followers) are excluded (43). It is true that Section I (f) of the general principles of Annex I mentions that the assistance of IRO should not be exploited in order to encourage subversive or hostile activities directed against any of the United Nations. However, this is merely a general principle which is implemented and narrowed down by the precise wording of Part II, 6 (b), according to which only the leaders are excluded. Such leaders, even if they ceased to participate in the hostile movement some time after the end of the war, still remain ineligible.
- (b) Movements hostile to governments who are not members of the United Nations do not come under the exclusion clause 6 (b).

Sponsors of movements encouraging refugees not to return to their country of origin are outside the mandate (44). One of the primary purposes of IRO is repatriation and any leaders of movements organised with a view to obstructing this policy cannot, for obvious reasons, receive assistance (45). Furthermore, where pressure has been accompanied by threats or physical violence, the case should be immediately brought to the notice of the local authorities, with a view to disciplinary action against the offenders.

67. "6. Persons who, since the end of hostilities in the second world war . . .

(c) at the time of application for assistance are in the military or civil service of a foreign state."

68. The reason for this provision is that it was felt that persons who have enlisted in the Forces of Governments other than that of their country of origin (e.g. General Anders' Corps) and who, after fighting the common enemy have not been demobilised, should be maintained by the government which they have served rather than by the international community.

69. However, it will be noted that the relevant time is that at which the application is made, and that this provision has no retroactive effect; any person who, in the past has belonged to the above said military formations and who has ceased to do so, is not disqualified, and the same applies if the formation has ceased to be in the service of the foreign state.

70. The above clause does not apply to civil employees of the military Government of the Army of Occupation, or of the German or Austrian authorities, who are receiving normal wages under employment laws. Nor are labourers employed by a foreign governmental agency excluded under this paragraph which refers expressly to "service" (military or civil) and not to hired help, etc.

(43) *Geneva 4492*: Petitioner, a Yugoslav Slovene, who left Slovenia for Croatia in 1941, claimed to have been active in politics and to have been a prominent member of Macek's peasant party. He claimed to have been imprisoned by the Gestapo in 1942 and said that this was because his party had refused to collaborate with the Germans. He had been, however, also imprisoned by the Yugoslav authorities for some time in 1945, and had escaped from prison in November of that year to Austria.

He was known to have broadcast propaganda speeches to the Croat people several times during the war; it was obvious that such speeches could not have been delivered unless they had been approved by the Germans.

In camp, petitioner was Chairman of the Slovene National Group. He was also the President of the International "Bauern Union for Europe". His activities in camp indicated that these organisations were hostile to the government of Yugoslavia and that they contributed towards encouraging refugees not to return to their countries of origin. Not within the mandate.

(44) *Geneva 4545*: Petitioner, a 34 year old Croat cobbler of Belovar (N. Croatia) left his country in 1939 after his military service, to seek better opportunities in France. After one year there he went to Corinthia to work on the land and had lived there until 1945, from which time he was in the DP camp of Spittal-on-Dreva.

He stated that each time a member of the Yugoslav Repatriation Commission visited the camp he had political discussions with him. He had listened-in with attention to the speeches which were broadcast to persuade Yugoslavs to accept repatriation, and described them as "lies". He had been advised several times by members of the Yugoslav Repatriation Commission that he should abstain from dissuading would be repatriates from returning to their country; each time he answered that he was free to say what he liked. He stated all this in writing in his petition for review of this case. He even boasted of having "made the camp too hot to live in" for one Novak, who, because he intended to repatriate, was compelled to go and live out of camp until his departure in February, 1948. Finally, petitioner claimed that he was opposed to "lies and fables" and that he considered it his duty to "enlighten" his compatriots on the present situation in Yugoslavia, although he could obviously know nothing about it since he left that country in 1938.

Petitioner's activity was in direct opposition to the main object of the Organisation which was to assist and encourage in every way possible the early return of refugees to their country of origin (Constitution—Preamble, para. 1).

By his action he has proved that he was a sponsor of a movement encouraging refugees not to return to their country of origin. Not within the mandate.

(45) *Geneva 1323*: On March 4, 1948, petitioner, a Yugoslav Chetnik, was tried in a Military Government Court on the charges of 1) intentionally causing injuries (by throwing stones) on 24. 2. 48 in Mannesmann Camp Hameln, at a Yugoslav Officer visiting the camp; 2) acts prejudicial to the interests of a member of the Allied Forces (the above said Yugoslav Officer).

He was acquitted on the first charge; and on the second, was sentenced to one month's imprisonment.

There was no evidence that petitioner was actually the leader of the aggressive reception given to the Yugoslav Officer. However, that reception was actually an act of open hostility towards the Government of a country which was a member of the United Nations, and petitioner's act, of injuring or attempting to injure the Officer by an act of physical violence was much more serious than any platonic leadership of a political movement.

Moreover, petitioner's object had been to obstruct the action of the Yugoslav Liaison Officer who had come to give information referred to in Section C, 1 (b) of the Definitions to the inmates of the camp, and in doing so petitioner had actually prevented refugees from obtaining such information as might have induced them to return to their country of origin. Not within the mandate.

CHAPTER VII

PRE-WAR REFUGEES

A. CATEGORIES AND IDENTIFICATION OF PRE-WAR REFUGEES

1. NANSEN REFUGEES.

(a) Russian Refugees—"Any person of Russian origin who does not enjoy, or who no longer enjoys the protection of the Government of the Union of Soviet Socialist Republics and has not acquired another nationality" (Arrangement of May 12, 1926).

(i) Nansen refugees from the USSR were formerly known as "Russian Refugees" and were scattered in various countries. It was estimated in 1938 that they totalled about 6-700,000 persons. They constitute the largest group of pre-war refugees in Germany, Austria and Italy where their identification has been a serious problem since the end of the war. Therefore, special practical hints will be given below to help in the solution of this problem. The group includes persons of varied ethnic origins which form the population of USSR, *i.e.* Russians, Armenians, Georgians, Kalmucks, etc. The Nansen refugee from USSR will be identified in the following manner: A Nansen passport should not be considered as the sole criterion of Nansen status. Many persons who are entitled to Nansen passports have been unable to obtain one. Any documentary proof of a Russian national's residence outside of USSR before 1 September 1939 will be considered as sufficient indication of his Nansen status. This will include:—

(a) Birth or Marriage Certificates, School or University Certificates or Diplomas; certificates of employment or domicile, identity documents etc., issued by competent authorities before 1 September 1939, outside of USSR. Competent authorities are—Police, Government agencies, Nansen Office, Church authorities, etc. In Germany a check should always be made with the Polizei-Amt or the Einwohnermelde-Amt.

(b) "Fremdenpass" designating nationality as "staatenlos" issued before or during the war, with the exception of certain cases, mostly in the post-war period, when it was possible to acquire these documents illegally (See Section 1 of Chapter XIV on Identity Documents).

(c) Certificates issued by the High Commission for Refugees of the League of Nations, later by Intergovernmental Committee, and by IRO.

(ii) Failing the documentary evidence mentioned above, additional information will need to be obtained either from the person himself or from members of his group. Nansen refugees usually maintain close ties among themselves, and know each other's background. As a rule, an oral testimonial is not sufficient, and it will be necessary to require a sworn statement of at least three genuine Nansen refugees.

(b) Armenian Refugees—“Any person of Armenian origin, formerly a subject of the Ottoman Empire, who does not enjoy or who no longer enjoys the protection of the Government of the Turkish Republic, and who has not acquired another nationality” (Arrangement of May 12, 1926).

(i) Armenian refugees include two categories, those from USSR and those from Turkey. They enjoy Nansen status if they had left Russia or Turkey before 1 September 1939. The Armenians occupied a district of north eastern Asia Minor with very uncertain boundaries. They were the subject of perennial persecution by the Turks who sought to eliminate them because of their non-Moslem religion. By the fall of 1921 when Russia had become master of the Caucasus, the boundaries of Armenia were redefined; part of the territory becoming a Soviet republic while another part remained with Turkey. However because of persecution on the part of the Turks and because of political objections to Russia, a great number of Armenians fled. These Armenian refugees may be found in the following places :—

- (a) United States : These may be regarded as completely absorbed and therefore not the concern of IRO.
- (b) Turkey : There is a minority of 75,000 Armenians most of them in Istanbul. The majority are Turkish citizens.
- (c) Greece : Received about 50,000 Armenian refugees from Smyrna when it was seized by Turkey. Some have been absorbed economically but Greek legislation as to their nationalisation is ambiguous. A small number were deported to Italy by the Germans. They have been refused repatriation to Greece. The majority of these persons remain the concern of the Organisation.
- (d) France : A great number have been absorbed into the economy of the country; although it is estimated that about 65,000 may not be so absorbed.
- (e) Bulgaria : Although of the 15,000 there only a small number have acquired Bulgarian citizenship, most of them are considered to be fairly well established.
- (f) Rumania : Of the 6,000 refugees in Rumania only a few are naturalised; however the presence of a resident community of Armenians has made it easy for them to become absorbed.
- (g) Great Britain : The majority of Armenians there have become absorbed and are not in need of aid.
- (h) Other European countries have a small number although their position is not known.

(c) Assyrian Refugees—“Any person of Assyrian or Assyro-Chaldean origin, and also by assimilation any person of Syrian or Kurdish origin, who does not enjoy or who no longer enjoys the protection of the state to which he previously belonged, and who has not acquired or does not possess another nationality” (Arrangement of June 30, 1928).

(d) Turkish Refugees—“Any person of Turkish origin, previously a subject of the Ottoman Empire, who under the term of the protocol of Lausanne of July 24, 1923, does not enjoy or no longer enjoys the protection of the Turkish Republic, and who has not acquired another nationality” (the same arrangement).

(e) Saar Refugees—“Persons who, having been domiciled in the Saar have left the territory on the occasion of the 1935 Plebiscite and are not in possession of national passports” (Arrangement of June 30, 1935).

Saar refugees have been issued with Nansen Certificates after the Plebiscite of 13 January 1935. They were required to show that they were domiciled in the Saar on 3 October 1934. The greatest majority of these refugees have settled in France (about

3,500 persons) while others emigrated to other countries. Since the change of regime (the Saar is now autonomous territory) the refugees will have to produce valid objections against returning to the Saar in order to remain under IRO mandate.

2. OTHER PRE-WAR REFUGEES.

(a) Refugees from Germany—“(i) Persons possessing or having possessed German nationality and not possessing any other nationality who are proved not to enjoy, in law or in fact, the protection of the German Government; (ii) Stateless persons not covered by previous Definitions or Arrangements who have left German Territory after being established therein and who are proved not to enjoy, in law or in fact, the protection of the German Government” (Convention 10 February 1938). (Persons who left Germany for reasons of purely personal convenience are not included in this definition.)

(b) Refugees from Austria—“The Definition of Refugees from Germany is extended to ‘persons having possessed Austrian nationality and not possessing any nationality other than German nationality who are proved not to enjoy in law or in fact, the protection of the German Government’, and ‘stateless persons’, not covered by any previous Convention or Arrangement, and having left the Territory which formerly constituted Austria, after being established therein, who are proved not to enjoy in law or in fact, the protection of the German Government”. (Additional Protocol of 14 September 1939.)

(c) Sudetenland Refugees—“(i) Who, having possessed Czechoslovak nationality and not now possessing any nationality other than German, have been obliged to leave the territory which was formerly part of the Czechoslovak State, that is, the territory known as the Sudetenland, where they were settled and which is now incorporated in Germany. They consist of persons who do not enjoy the protection of the German or the Czechoslovak Governments” (League of Nations, 104th Session of the Council 19 January 1939).

Refugees from Germany, Austria and Sudetenland—“(ii) (who were considered as German nationals until 25 November 1941) were carefully screened as enemy nationals in England and France at the beginning of the war. Those who came to Holland, Belgium, Switzerland, and other countries were registered by local authorities so that it can be assumed that they are in possession of documents to show their refugee status. About four-fifths of these refugees are of Jewish faith, and most of the rest are non-Aryan Christians, political and confessional persecutees.

(d) Spanish Refugees—in Metropolitan France are currently identified as to their refugee status by the Central Spanish Refugee Office in Paris in close touch with IRO Mission. The Government extended the application of Nansen Convention of 1933 to the Spanish Refugees on 15 March 1945, and the Intergovernmental Committee assumed their protection on 14 June 1945. A few Spanish Republicans who are in Germany may be recognised by their Spanish origin, and case histories.

(e) Stateless Refugees (other than Nansen)—who lost their nationalities etc., can be found in Central Europe but are not very numerous. Most of them became stateless before the war and refugees after the war, (World War II). Their identification is rather complicated and requires the knowledge of various causes of their statelessness. Consultation of National Committees may be helpful in this problem.

(f) Any Other Refugees—whether *de jure* or *de facto* stateless who were refugees before the war although they did not belong to a recognised category of refugees, and who have continued to be refugees in spite of the changed circumstances. (See (e) above.)

CHAPTER VIII

NAZI GOVERNMENT RESETTLEMENT POLICY

A. GENERAL

1. Because of the complexity of the problem, the information given below is limited to basic facts. The whole resettlement programme was contained in a number of decrees and directives issued by the Nazi Government, which established a policy that in practice was carried out by various agencies who interpreted the orders differently. In view of this, it is intended that only an overall picture will be given here, omitting many of the details on how the programme was carried out locally in the various areas.

2. The main purpose of the Nazi Party Resettlement Programme was political. Ethnic German resettlers (DEUTSCHE VOLKSZUGEHÖRIGE) who formed minorities in many of the countries in Europe after having been made German nationals, were to colonize the various territories conquered by the German war machine.

3. The concomitant policy in these newly-acquired territories was to eliminate the native populations as a potential danger. This was done by Germanizing those who were considered racially valuable and politically susceptible to the Nazi ideology, and by deporting and exterminating those who, it was considered, had anti-German attitudes or who were considered racially inferior. This policy was carried out in Poland and other countries and would undoubtedly have been extended to all other parts of Europe had not the German war machine been defeated.

4. This ideal was expressed in November 1939 in a memorandum of the Race Policy Office (RASSENPOLITISCHES AMT) of the Nazi Party, which stated, "This aim comprises three closely-linked tasks :—

First : the complete and final Germanization of those parts of the population which are considered suitable for it.

Second : the deportation of all groups of alien races not suitable for Germanization.

Third : the colonization (Neuansiedlung) by Germans.

5. This long-range programme had a two-fold objective of weakening and eventually destroying other nations and, at the same time, strengthening Germany at their expense, territorially and biologically, in order to secure German domination, first of Europe and finally of the world. In view of the determination of the Nazis to make this plan come to fruition, it is extremely difficult to determine whether or not individual resettlers left their homes voluntarily, even though the orders stated that the programme was carried out on a voluntary basis.

6. As stated in paragraph 1 above, the orders given were frequently ambiguous, overlapping and occasionally countermanding each other; in many instances they were interpreted differently by the various party officials and agencies charged with putting them into effect. Moreover, local conditions in the regions earmarked for resettlement programmes varied, and therefore a different handling of the problem had to be adopted. Much depended on the personality of the party official in charge as to how much pressure,

if any, was brought to bear upon individuals and groups who had been scheduled for resettlement.

B. AGENCIES RESPONSIBLE FOR RESETTLEMENT OF ETHNIC GERMANS

7. In order to establish an organisation to carry out the policy mentioned in "A" above, an immigration office which had been set up in 1939 for the resettlement of Germans in the Southern Tyrol was transferred under Himmler's direct control and was known as the Office of the Reich Commissioner for the Consolidation of Germanism (REICHSKOMMISSAR FÜR DIE FESTIGUNG DEUTSCHEN VOLKSTUMS).

8. Himmler, in his capacity as RKFDV, had jurisdiction over all matters and agencies connected with the consolidation of Germanism, such as the resettlement, racial screening, deportations, confiscations and the like.

9. The agencies which worked under Himmler in the resettlement programme were as follows :—

- (a) VOMI (Volksdeutsche Mittelstelle — Repatriation Office for Ethnic Germans) was an agency of the SS charged with the following tasks : Evacuation of ethnic Germans from their homes, their transportation into VOMI camps, their care in the camps, and their indoctrination with Nazi ideology. Frequently resettlers were kept in these camps for months and even years awaiting the promised resettlement. In the middle of 1944 there were still one million ethnic Germans and Poles in these camps.
- (b) EWZ (Einwandererzentralstelle — Immigration Central Office) was an agency of the Chief of the Security Police and SD. This agency was established in October 1939. Its task was to register the resettlers, examine them medically and as to their racial value and, upon examination, issue identification cards (Rückkehrerausweise) to them. EWZ also took care of naturalizations and decided where people were to be resettled. EWZ had its headquarters first in Gdynia and later on in Litzmannstadt (Lodz). There were several branch offices in German-occupied territories, as, for instance, in Paris, and also numerous mobile detachments (Fliegende Kommissionen) to process resettlers staying in VOMI camps.
- (c) UWZ (Umwandererzentralstelle — Migrants Central Office). This Organisation, also an agency of the Chief of the SIPO and SD, was in charge of the evacuation of undesirable foreign populations (Fremdvölkische) who were deported from their native countries and their land and property given to Germans and ethnic Germans.
- (d) DUT (Deutsche Umsiedlungstreuhandstelle) was a clearing organisation charged with the transfer of property of ethnic Germans who were to be resettled.
- (e) HTO (Haupttreuhandstelle Ost) confiscated the property of Poles and Jews who were subsequently deported to the Gouvernement Général, many of whom were sent to extermination and slave labour camps.
- (f) RuSHA (Rassen- und Siedlungshauptamt), the Main Race and Settlement Office of the SS, was in charge of the racial screening of ethnic Germans and persons considered for Germanization.
- (g) Lebensborn Society, an organisation which was created on 12 December 1935 and which took care of various categories of children, including children of German fathers and foreign mothers and children whose parents, ethnic Germans or not, had been executed for anti-German activities. These children were

examined by the racial examiners of RuSHA and, if found racially valuable, they were turned over to Lebensborn. Lebensborn maintained children's homes where these children were brought up as Germans and indoctrinated with the Nazi creed. Later on they were turned over (through various of their divisions, such as the National Socialist Welfare Organisation—NSV for short) to German foster parents, as, for example, the children from Lidice, only a small minority of whom have been found to date. Children found racially undesirable were sterilized and used as slave labourers or taken to concentration camps. The Lebensborn Central Office, Munich, which was responsible for Lebensborn children from foreign countries, used the following terminology in their files :—

- (i) Ost Kinder—children from the Gauselbstverwaltung in the Warthegau, which was located in the Polish incorporated territory.
- (ii) T Kinder—children from Czechoslovakia, Lidice and Lezaky.
- (iii) Süd-Ost Kinder—children from the South-East, mainly from Yugoslavia. (For further details on the Lebensborn Society, see Lebensborn Report, prepared by ITS, U.S. Zone Headquarters in April, 1948).

C. MAJOR MOVES OF ETHNIC GERMANS

10. The following list of the major groups of ethnic Germans and other populations who left their native countries in the course of the resettlement programme is included in order that it might serve as a guide in the determination of the status of individual cases :—

- (a) German nationals and ethnic Germans from the South Tyrol, based on agreements with Italy of 23 June 1939, 21 October 1939, 17 November 1939 and 31 January 1940. The individuals (an estimated 185,000 such persons were moved, of whom approximately 52,000 are now in Austria) concerned were free to decide whether or not they wanted to be resettled. Persons choosing to be repatriated were settled in several provinces of former Austria (Tyrol-Vorarlberg, Styria, Carinthia, Upper Danube, Salzburg). They received German citizenship by way of a simplified naturalization procedure (Abgekürztes Einbürgerungsverfahren).
- (b) German nationals and ethnic Germans from the Baltic countries, based on treaties with Estonia of 15 October 1939, and Latvia of 30 October 1939. About 63,000 (Estonia 12,000; Latvia 51,000) of them chose to be repatriated and were processed and naturalized by EWZ. O-cases (see pp. 49 and 50) were settled in the Warthegau and the Gau of Danzig-West Prussia in the Incorporated Eastern Territories. A-cases were settled in Germany proper. About 12,000 ethnic Germans in the Baltic countries did not apply for repatriation, most of them for personal reasons. However, a small minority holding key positions in the economic life of their native countries stayed upon advice of German authorities in order to use their influence for the benefit of German trade relations.

When the Baltic countries were taken over by the Russians, these 12,000, as well as many Baltic nationals, left for Germany. However, with the exception of the above-mentioned group of key people, they were not accepted as resettlers. They were given the status of "refugees", not entitled to the rights of "bona fide" resettlers, and assigned to work in Germany. Some of the Baltic nationals were, however, given some privileges and were not considered as "slave labourers".

- (c) Ethnic Germans from Wolhynia, Galicia, and the Narew territory, based on an agreement with the USSR of 3 November 1939. There were approximately 30,000 in this group and they were processed and naturalized by EWZ. O-cases were to go to Danzig-West Prussia, the country of Wichenau in East Prussia, and to Upper Silesia (Incorporated Eastern Territories). A-cases were to go to the Reich. There is no information available as to whether all persons in this group were actually resettled. There is a possibility that only part of them had been resettled, with the remainder being caught in the VOMI camps by the end of the war. The same applies to the other groups mentioned below. 9,000 of these, however, are to be found in Austria.
- (d) Ethnic Germans from Lithuania; by agreements made in 1939 there were an estimated 40,000 who were processed and naturalized by EWZ. They were resettled in the provinces of Danzig-West Prussia and East Prussia (Incorporated Eastern Territories) and the Reich proper. Approximately 2,000 of the persons mentioned here and in (b) above are in Austria. However a few may have come to Austria under the 1941 agreement (see (i) below).
- (e) Ethnic Germans from Bessarabia and Northern Bukovina, based on a treaty with the USSR on 5 September 1940. An estimated 138,000 were processed and naturalized by EWZ. They were earmarked for resettlement in the Reich proper and the provinces of Danzig-West Prussia, Wartheland, and Upper Silesia (O-cases) and the Reich proper (A-cases).
- (f) Ethnic Germans from Southern Bukovina and Dobruja. Based on agreements with Rumania of 5 September 1940 and 22 October 1940, an estimated 70,000 were processed and naturalized by EWZ. O-cases were to go to Incorporated Eastern Territories; A-cases to the Reich proper. Of the two groups mentioned in (e) and (f) approximately 7,000 are now in Austria.
- (g) Ethnic Germans from the Gouvernement Général (from the districts of Lublin and Cholm) who were transferred to the Incorporated Eastern Territories in exchange for Poles who were deported to the Gouvernement Général. They were processed and naturalized by EWZ. The numbers involved are not known, but are included in the 30,000 figure quoted in paragraph (c) above.
- (h) Ethnic Germans from Gottschee and other districts in Yugoslavia. Based on agreement with Italy in 1941. They were processed and naturalized by EWZ and resettled in Lower Styria and Carinthia. Slovenes living in these districts were evacuated to the Gouvernement Général.
- (i) German nationals and ethnic Germans from Lithuania, by agreement with the USSR on 10 January 1941. Processed and naturalized by EWZ and slated for resettlement in Danzig-West Prussia and East Prussia. A-cases went to Germany proper. The documentation and travel arrangements for these persons, while made by the Germans, were assisted in by the Lithuanian Kulturverband.
- (j) Ethnic Germans from Occupied France (mainly Alsace and Lorraine) were processed by EWZ. Persons considered politically reliable and racially valuable were allowed to go to Alsace and Lorraine (if they came from other parts of France), which had been incorporated into the Reich. Individuals considered as good racial prospects but doubtful as to their pro-German attitude were marked for resettlement in the Reich.
- (k) Later during the war, ethnic Germans from the Black Sea (Schwarzmeerdeutsche) were processed and naturalized by EWZ and resettled in the Incorporated Eastern Territories. In this group were to be found, in addition to the Germans, some Mennonites.

D. GERMAN CLASSIFICATIONS FOR POTENTIAL RESETTLERS

11. DVL (Deutsche Volksliste—People's List)

(a) The DVL procedure was established by an ordinance dated 4 March 1941 in the Incorporated Eastern Territories in order to classify all Polish nationals who might be considered as of German origin. This also included certain persons who were pure Poles and members of certain minorities other than German.

(b) All persons considered eligible for the Volksliste were compelled to register. Those eligible persons who did not make the necessary application within seven days, or refused to register, were liable to detention in concentration camps. Persons not eligible for any of the categories of the Volksliste were usually expelled to the Gouvernement Général or taken as forced labourers to Germany.

(c) Eligible persons who thus registered were screened politically and racially by RuSHA and assigned to one of the following four Volksliste categories :

- (i) Volksliste I—included those persons who, before 1 September 1939, had been engaged in pro-German activities. They were generally of German ethnic origin, *i.e.* offspring of two parents of German origin. To this group belonged members of various German associations which were named in the instructions issued on 13 March 1941, such as :

Deutsche Vereinigung
Jungdeutsche Partei
der Deutsche Volksbund
der Deutsche Volksverband, etc.

Those who obtained this status acquired full German citizenship (*Deutsche Staatsangehörigkeit*) as from 1 September 1939 (persons residing in the area of the former Free State of Danzig) and 26 October 1939 (persons residing in the Western Polish Provinces incorporated into the Reich), irrespective of the date they were enlisted in the Volksliste. They were issued with *blue* identity cards. They also received all the political privileges of a citizen of the German Reich. Persons registered on Volksliste I were also admitted to the Nazi Party, although persons on Volksliste II were not generally thus admitted.

- (ii) Volksliste II—included those persons who, although they had not been engaged in pro-German activities, had preserved their German culture and were considered, and considered themselves, as Germans. The identity documents and citizenship status of these persons was exactly the same as those who were on Volksliste I.
- (iii) Volksliste III—included those persons who had lost their German background and had become Polish in their way of life. This included members of Polish organisations, unless they had participated in anti-German activities. To this category also belonged persons whose mother tongue (*Haussprache*) was not German, members of certain minorities such as Slonzaks, Kashubs and the so-called Wasserpoien, as well as Poles who were married to Germans. Persons belonging to Volksliste III were issued with *green* identity cards and acquired German citizenship which could be revoked within a period of ten years (*Staatsangehörigkeit auf Widerruf*).
- (iv) Volksliste IV—included persons who were considered as of German origin but had been engaged in anti-German activities, as well as Poles who were not considered as "politically conscious" but in respect of whom it could be assumed that they might eventually be Germanized. Persons on Volksliste IV were "protectees" (*Schutzangehörige*) of the German Reich and were issued with red identity documents which did not bear any remark as to citizenship status.

All persons submitted to the DVL procedure who had Polish names had to change (Germanize) them. Persons registered in DVL categories 1 to 3 were subject to conscription in the Wehrmacht and the Waffen SS.

12. CLASSIFICATIONS FOR PERSONS IN COUNTRIES OTHER THAN POLAND.

(a) Persons who came from areas other than the Incorporated Eastern Territories were differently classified by RuSHA. Resettlers considered politically reliable and racially valuable were designated as O-Fall (O-case). Persons who were deemed less valuable from a political and racial point of view were classified as A-Fall (A-case). Generally the criteria used by RuSHA in determining whether or not a given person fell in O-case or A-case was similar to the criteria used in the DVL procedure explained above. O-cases from the Baltic States, Yugoslavia and other countries were resettled in the Incorporated Eastern Territories. A-cases who were less dependable were resettled in Germany proper and were issued with an over-printed certificate marked "GÜLTIG NUR FÜR ALTREICH" (valid only for the old Reich). People who were considered as undesirables were classified as S-cases and sent to the Gouvernement Général, which was used as a dumping-ground for undesirable elements moved from other areas in order to make room for all German and ethnic German resettlers.

(b) The re-Germanization procedure (WIEDEREINDEUTSCHUNGSVERFAHREN) affected Poles in the Gouvernement Général and Slovenes who had been deported to the Gouvernement Général from Styria and Carinthia. These people were racially and politically examined by UWZ as to whether or not they were fit for Germanization; persons thus considered were sent to work in Germany. Here they had certain privileges which the ordinary slave labourers could not have; they did not have to wear badges identifying them as slave labourers and they were subject to special courses of indoctrination with Nazi ideology. It was planned to give them German citizenship at the completion of these courses. They had special alien passports (FREMDENPASSE) bearing the mark "nationality undetermined". Persons who, upon racial examination, were considered as not suitable for Germanization were also sent to Germany but as slave labourers.

(c) Finally, various other groups of people were deported from their homelands in order to make room for German resettlers. Amongst these groups were, for example, Luxembourgers who had shown an anti-German attitude during the German occupation. They were taken to VOMI camps, where they were earmarked for resettlement in other parts of the Reich and in the East.

(d) Poles and Slovenes who were deported to the Gouvernement Général were also subjected to this treatment. Later in the war some of these persons were submitted to the re-Germanization procedure as the manpower shortage in Germany became more acute.

E. ELIGIBILITY STATUS OF GROUPS OUTLINED ABOVE

13. DVL (DEUTSCHE VOLKSLISTE).

(a) Volkslisten I and II: All persons belonging to Volkslisten I and II will be presumed to be of German ethnic origin and, aside from the other excluding provisions of Part II of the Constitution, will be regarded as outside the mandate of IRO if they are in Germany. If they are to be found in countries other than Germany, their status is in suspense, providing they do not fall within one of the other excluding categories. In this connection, it should be mentioned that any person who was a member of the NSDAP is, *prima facie*, outside the mandate of IRO.

(b) Volkslisten III and IV : While persons of other than German ethnic origin, such as Poles and Slonzaks, may be found to have been so registered, it must be remembered that by far the greatest majority of persons appearing on these lists were of German ethnic origin. Persons who are not of German ethnic origin obviously cannot be considered as Volksdeutsche and, providing they do not fall within any of the other exclusion clauses to Part II, may be regarded as falling within the mandate of the Organization under the usual conditions (they may, however, have for example voluntarily assisted the enemy forces).

2. CLASSIFICATIONS FOR PERSONS IN COUNTRIES OTHER THAN POLAND.

(a) O-case : Persons who fall within this classification are to be treated similarly to those who were registered on Volkslisten I and II.

(b) A-case : Will be treated in the same way as persons appearing on Volkslisten III and IV. Again, as in the case of persons appearing on Volkslisten III and IV, a small number of people classified as A-cases were not of German ethnic origin. This is especially true amongst the Baltic Umsiedlers, who applied for this status in order to escape from their countries which were then under Russian occupation.

(c) S-case : Persons appearing on this group, while they could not be assimilated to slave labourers, were categorized by the Germans as "Renegades" or "undesirables" and were moved out of their places of habitual residence in order to make room for German and ethnic German resettlers. Other things being equal, such persons may be regarded as falling within the mandate of IRO.

F. PRACTICAL HINTS FOR THE FIELD ELIGIBILITY OFFICERS

14. In conclusion, it should be pointed out that when field Eligibility Officers are interviewing persons whom they suspect to be Volksdeutsche or German citizens, they should check with the police authorities, or in Germany with the Einwohnermeldeamt of the places in which these persons have resided, in order to assure themselves that they are not so registered. If they are registered as Volksdeutsche or German citizens, they are to be considered as *prima facie* outside the mandate of IRO unless they can give a plausible story that this status was acquired under the circumstances outlined in Chapter VI above and that they are not, in fact, of German ethnic origin.

15. If the check with the local authorities proves to be unsatisfactory, the person's particulars may be sent to the 7771 Document Centre OMGUS in Berlin, who will check with their files. The documents contained in this Centre, which have been accumulated from many sources, are the original official archives of the NSDAP and some of its most important affiliated formations and organizations. There are for example, the files of the Rassen- und Siedlungshauptamt der SS (See Section B 9 (f) above), the personnel files of SS officers, the files of members of the SA., and the files of the Einwandererzentrale, among others.

16. Indications as to whether a given refugee or displaced person falls within one of the categories mentioned above may be provided through a careful scrutiny of the documents he possesses. A section on some of the principal documents is contained in Chapter XIV of this Order. It is appreciated, however, that in the majority of cases these documents will be withheld, as the applicant will have been warned that possession of certain of them will be viewed with suspicion by Eligibility Officers. In cases where the applicant's story is not entirely plausible, recourse should be made to the suggestions contained in paragraphs 14 and 15 above.

CHAPTER IX.

VOLKSDEUTSCHE

A. GENERAL

1. It has been seen from the preceding section that the aim of the Nazi Government was to take ethnic German resettlers who formed minorities in many of the countries of Europe and colonise the conquered territories with them after they had been made German citizens. The notes on the Nazi Resettlement Policy (supra) have dealt with the various agencies charged with carrying out this programme, the agreements made before and during the war for their repatriation or resettlement to Germany as well as the numbers involved and the categorisations made by RuSHA in processing these groups. The purpose of this section is to give a brief outline of the general problem as it exists to-day.

2. The expression "Volksdeutsche" is an innovation of the Nazi party and was coined to embrace all persons outside Germany and Austria who qualified as members of the German race. It differs from the term "German minorities" only in the fact that it includes Austrians as well as Germans.

3. Early in the Hitler Regime a bureau was established to look after the "Auslandsdeutsche". They were organised in a foreign "Gau" ruled by the Foreign Organisation of the Nazi Party (NSFO) which was headed by Ernst Bohle. He was also in charge of the Volksdeutsche or "racial" Germans who had taken foreign citizenship. The Organisation to which they belonged was called "Volksbund für das Deutschtum im Ausland" (VDA) which was under Karl Haushofer, formerly a professor of Geography at the University of Munich. Under its general supervision operated such agencies as the Deutsche Volksverbund, the Deutsche Volksbund, the Jungdeutsche Partei and the Deutsche Vereinigung.

4. Many of the Volksdeutsche in countries other than Germany succumbed to the Nazi propaganda and became the "Fifth Column" in those countries. After the occupation or in the case of axis satellite countries, dominated by Germany some of these persons were given preferential treatment and formed a pool for Hitler's factories as well as his armies. As one of the results of this fact, the native populations of those countries became embittered against them which may account for the harshness of the treatment meted to them when they were expelled from those countries to Germany after the end of World War II.

B. MOVEMENTS INTO GERMANY AND AUSTRIA

5. Some of these Auslandsdeutsche came to Germany before the war as a result of German propaganda; others came in 1941, and two large groups came in 1944 and after the end of the war. The 1939 group came mostly in small numbers from all parts of the world but mostly the South Tyrol, the Baltic countries and from the Sudetenland. The

1941 group came as a result of treaties made in Germany with various countries in 1940 and 1941. The 1944 group consisted of persons fleeing with the retreating German armies, and persons forced to evacuate by the Germans. It is estimated that as a result of the above moves one million persons came into Germany. The post-war group which constituted the largest exodus into Germany was composed of "expellees" from the various countries but principally Poland, Czechoslovakia, Hungary, Rumania and Yugoslavia.

6. The Potsdam Agreement which was adopted on 2nd August 1945 provided for the expulsion to Germany of the German minorities in Poland, Czechoslovakia and Hungary. It instructed the Control Council to study the problem with a view to making an equitable distribution of these people in Germany. As a result of this study the implementary Berlin plan was put into effect in November 1945. This plan was as follows :—

- (a) All Germans expelled from Poland (3,500,000 persons) would be sent to the British and Soviet Zones of occupation.
- (b) All Germans expelled from Czechoslovakia, Austria and Hungary (3,500,000 persons) would be sent to the U.S., French and Soviet Zones of occupation. (Note : The Germans from Austria were not considered by the Potsdam Agreement but was the result of the Control Council Meetings.)

In execution the above plan worked out as follows :—

- (i) *Soviet Zone of Germany* :—
 - Expellees from Poland — 2,000,000 persons;
 - Expellees from Czechoslovakia — 1,750,000 persons;
- (ii) *British Zone of Germany* :—
 - Expellees from Poland — 1,500,000 persons
- (iii) *U.S. Zone of Germany* :—
 - Expellees from Czechoslovakia — 1,750,000 persons
- (iv) *French Zone of Germany* :—
 - Expellees from Austria — 150,000 persons

These movements are now almost complete and Germany has an additional population of some 6,500,000. It should be pointed out here that in addition to the moves from the Potsdam countries large numbers of persons of German ethnic origin have been expelled or have fled from Rumania, Bulgaria and Yugoslavia during the war. Yugoslavia requested the permission of the Allied authorities to expel her estimated 80-100,000 remaining Volksdeutsche to Germany but this was refused because of the congestion caused by the expulsions from the so-called Potsdam countries.

CHAPTER X

BALTIC STATES AND MEMEL: 1939-1945

A. GENERAL

1. Latvia, Estonia and Lithuania were recognised as independent Republics at the Peace Conference in 1920 and they remained independent Republics until World War II.

2. On August 23, 1939, Germany and Russia signed a treaty of mutual non-aggression and soon after this Soviet Russia concluded an agreement with Latvia for the occupation of naval bases within that country. These bases, along the entire Baltic Coast, were occupied by Soviet Russia about September 15, 1939.

3. On June 17, 1940, Russia occupied the Baltic States and later that year Latvia, Lithuania and Estonia were incorporated into the Union of Soviet Socialist Republics. This occupation, however, was not of long duration because after Germany declared war on Soviet Russia on June 22, 1941, she attacked and invaded the Baltic countries and, during a two week period in July 1941, occupied Lithuania, Latvia and Estonia. It was not until August, 1944, that the advancing Soviet Armies re-occupied the Baltic States: first Estonia, followed by Latvia and finally Lithuania. These countries have now been re-incorporated into the USSR.

4. After the German occupation, the three Baltic States together with Byelorussia were organised into one administrative unit known as the Ostland with a Reichskommissar (former Gauleiter Hinrik Lohse) at its head. A subordinate, known as a Generalkommissar, headed the government in each of the four districts. A semblance of self-government was always maintained although the amount of autonomy permitted to the local authorities seems to have varied somewhat in Estonia, Latvia and Lithuania.

B. ESTONIA

5. Before the occupation of Estonia and the other Baltic States by the USSR, agreements were made between them and Germany that persons of German ethnic origin could repatriate to Germany. All persons who opted for this resettlement were registered with the Einwandererzentralstelle. They were generally issued with such documents as Ausweis der Deutschen Volksliste, the Umsiedler Ausweis, and the Rückkehrerausweis (see Chapter XXVII on Identity Documents). These persons were given every assistance, settled down in the German community and were promised German citizenship. This agreement was concluded on 15 October, 1939, and about 12,000 persons were registered from Estonia.

6. During the German occupation compulsory military service was enforced. Many of the soldiers were drafted into the so-called Estonian Border Defence Regiments and Estonian Reserve Regiments which were activated to disguise the fact that mobilisation of the citizens of an occupied country was going on in contravention of International

Law. Others were drafted for service in the Wehrmacht or the Kriegsmarine and paramilitary organisations, such as the Organisation Todt. These did not include the plan whereby certain students were drafted or volunteered for the Reich Arbeitsdienst. The slogan current at this time was "Defend your country from the East". The majority of these troops were in fact ordered to the Eastern Front where they fought against the armies of the USSR.

7. The various mobilisation decrees were as follows :—

- (a) Men born between 1918-1924 were drafted for the RAD (Reichsarbeitsdienst) in April-May of 1943. They were later transferred to the armed forces.
- (b) Men born in 1925 were conscripted into the armed forces by an ordinance dated 26th October 1943.
- (c) A general mobilisation (Ordinance No. 3) became effective on 30th January, 1944 of men born between the years 1904-1923 and officers up to the age of 60 and non-commissioned officers up to the age of 55.
- (d) Persons born in 1926 were conscripted into the armed forces by an ordinance (No. 17) dated 3rd August, 1944.

8. After the occupation by the Germans a Quisling Government was established in Estonia called the "Estonian Self-Government" which was under the leadership of Dr. Hjalmar Mäe. The "Self-Government" lasted from July 1941 to August 1944.

9. Immediately after the occupation of the Baltic States the Germans re-organised the local civic police forces and created in their stead semi-military units called "Schutzmannschaften" which were mostly composed of volunteers, although some persons were conscripted. At first they acted as normal police but later were used to fight the Russians. Some found their way into the S.S. Legions. This policy was also implemented in Estonia. On December 19, 1941 the Germans decreed that all Estonian citizens were compelled to register for obligatory labour service (Arbeitspflicht).

10. Soon after the Germans marched into the Baltic States some Baltic nationals volunteered into the so-called Selbstschutz or Partisan units whose self-appointed tasks were to help evict the Russians and to persecute Jewish populations. After the occupation of the Baltic States by the Germans and before the general mobilisation decrees were promulgated, some of the Balts were called to military service by means of personal mobilisation orders. An indeterminate number of these early recruits (as well as a few of the later ones) were, when called forward by the drafting commissions, given a choice of being drafted into the Labour Service (Reichsarbeitsdienst), with the Wehrmacht, or serving in the Waffen S.S. In addition some of these nationals joined or worked in conjunction with the Einsatzgruppen and Security Police whose main task was to exterminate the Jewish populations in the Baltic States. From the information available, the above state of affairs applied to Latvia and Lithuania as well as to Estonia.

11. The No. 1 Estonian Waffen S.S. Division was formed in the autumn of 1943 and was known as the 20th S.S. Infantry Division (See Section 2 Chapter XXV).

C. LATVIA

12. Latvia underwent a similar experience to Estonia. By the terms of an agreement dated 30 October, 1939, approximately 51,000 persons of German ethnic origin left Latvia for Germany. The identity documents issued to these persons are described in Chapter XXVII.

13. As in Estonia, obligatory labour and conscription acts were enforced. The

labour recruiting began on the same date as Estonia, December 19, 1941. The various mobilisation decrees for military service were as follows :—

- (a) Men born between 1915-1924 were conscripted into the armed forces by a mobilisation order dated April 17, 1943.
- (b) A general mobilisation of officers, non-commissioned officers and men born between the years 1915-1924 became effective on November 25, 1943.
- (c) Persons born in 1906-1915 were conscripted by an order issued on 28 January, 1944.
- (d) All categories of persons born between 1906-1926 whose mobilisation had been deferred for various reasons, were conscripted by an order dated 15th September, 1944.
- (e) During the summer and autumn of 1944 youths born in 1927-1928, amongst others, were called up for service and sent to Germany as air force auxiliaries.

14. As in Estonia various Latvian units were formed. These were :

- (a) The first para-military organisations which the Germans established were the Schutz battalions (Schutzmannschaften). There were approximately 30 such battalions which were between 300 and 400 men in strength. Evidence indicates that a large number of this group were volunteers. They were used for police and guard duties and operated from the Black Sea to the Baltic.
- (b) Five to six "Bau" battalions were formed by the end of 1943 which were used as service or pioneer troops. Two of these groups were formed from the earlier Schutz battalions, the remainder being comprised of prisoners and conscripts.
- (c) There was a number of S.S. Polizei (Police) Regiments formed in 1941 which consisted of volunteers. The number of such regiments formed in 1941 is not known, although there were twenty battalions in existence by 1944. In addition, there were three police regiments in service at this time.
- (d) There was an unknown number of Latvians who worked in conjunction with, or in the Einsatzgruppen. The functions of the Einsatzgruppen were to break the resistance of the populations lying behind the German Armies in the East and to exterminate the Jews in those areas. Most of these Latvians were members of the so-called "Partisan" groups which were formed to help evict the Russians and persecute Jewish populations.
- (e) The First Latvian Division (19th S.S. Infantry Division) was formed in March, 1943 near Stalingrad from three of the Schutz battalions which had been formed into a brigade and had already seen action. Later, eight more Schutz Battalions were absorbed into this Division which finally reached full strength in August. This Division was composed of the 42nd, 43rd and 44th Grenadier Regiments, the 19th Artillery Regiment, the 19th Engineer Battalion, 19th Signal Battalion and the 19th A. A. Battalion. The Second Latvian Division (15th S.S. Infantry Division) was formed at approximately the same time in Latvia. For some time this division was used as a training division for new recruits who were later sent to the 19th Division which was fighting in Russia. It was composed of the 32nd, 33rd and 34th Grenadier Regiments, the 15th Artillery Regiment, 15th Engineer Battalion, 15th Signal Battalion and the 15th A.A. Battalion.

D. LITHUANIA

15. 40,000 ethnic Germans from Lithuania moved to Germany by agreements made in 1939. In addition, a number of Lithuanians and other Balts were moved into Germany in 1941 under the terms of an arrangement made between Germany and the USSR. Some of these were not of German ethnic origin but took advantage of the scheme to escape the Soviet regime. Compulsory labour and conscription decrees were issued which were essentially the same as in Estonia. Persons mobilised under the labour regulations were often transferred to the Wehrmacht.

16. One ill-fated attempt was made by the Germans to establish a Waffen S.S. They invited General Plechavicius, the former Chief of Staff of the Lithuanian Army, to form a national force for the protection of his country. He agreed under certain conditions designed to ensure that the force would in fact be a Lithuanian one under his direct control. As a result of his appeals, approximately 30,000 volunteers came forward. However, because of a German attempt to make this a Waffen S.S. Unit, Plechavicius disbanded it after some fighting with Germans. Some of the officers were executed and others were sent to concentration camps.

E. MEMELANDERS

17. Lithuania obtained an outlet on the Baltic in 1923 by seizing the Klaipeda (Memel) territory which had been taken from Germany in 1919 and placed under the jurisdiction of the Allied Powers. This seizure was recognised by them in 1924 although they insisted that the territory be given a measure of autonomy.

18. Memel comprised approximately of 976 square miles in area and had a population of 145,000, of whom about half were German speaking and half Lithuanian speaking, although the people were predominately German. Many of the Lithuanians were bilingual and almost all were of Protestant religion. This is not particularly surprising in view of the fact that Memel was under German rule for 700 years.

19. On March 22, 1939, Lithuania was forced to cede Memel to Germany although Germany later granted Lithuania free port privileges in the port city of Memel. The majority of the people in the port city proper were Germans. It is also interesting to note that in the Memel Assembly (1930-1933) the Germans always elected 24 representatives to the Lithuanian's 5.

F. REFUGEES FROM BALTIC STATES

20. In addition to the ethnic Germans who repatriated into Germany as a result of the 1939 Agreements outlined above, there were a number of Balts who left in 1941, as a result of an arrangement made between Germany and Russia. Another large influx of Balts came to Germany in 1944 in order to escape from the re-occupation of their countries by the Russians. Some came to Germany as *bona fide* refugees, others came as Umsiedler (resettlers) and still others left because of their activities in those countries during the German occupation.

G. ELIGIBILITY STATUS OF ABOVE GROUPS

21. Members of the S.S. Police Regiments, the Sicherheitsdienst (Security Service), the Einsatzgruppen, and the Schutzmannschaften are *prima facie* outside the mandate of IRO under the terms of paragraph 2 of Part II of the Constitution. In the case of the Schutzmannschaften this presumption may be rebutted if the applicant can produce evidence that he was conscripted and if it is made plausible that he did not commit atrocities or otherwise persecute civilian populations.

22. Members of the Waffen S.S. Divisions who started military service before the first compulsory conscription in April 1943 will be regarded as volunteers and therefore outside the mandate of IRO unless they can give proof to the contrary.

23. Members of the Waffen S.S. who had a prior choice of serving in the Reichsarbeitsdienst or the Wehrmacht and who volunteered for the Waffen S.S. are outside the mandate of IRO.

24. All applicants who in the absence of documents present conflicting stories and make false statements should *prima facie* be regarded as not *bona fide* displaced persons or refugees falling within the mandate of IRO.

25. Members of the Quisling Governments are *prima facie* outside the mandate of IRO. It should be remembered, however, that some persons who were in government service remained at their posts under the Quisling regimes. Such persons, unless policy makers, are not deemed to have voluntarily assisted the enemy forces.

26. Persons from the Baltic States who are of Lithuanian, Estonian or Latvian origin and who voluntarily came to Germany as Umsiedler are not excluded from IRO because of their voluntary entry into Germany. A different case is presented, however, if they accepted German citizenship or voluntarily assisted the enemy forces after their entry.

27. Memelanders of German ethnic origin who are in Germany are excluded from IRO assistance under the terms of paragraph 4 of Part II of the Definitions. The status of those who are in countries other than Germany is in suspense, and they should not receive any assistance. Memelanders of Lithuanian origin may be regarded as *prima facie* within the mandate.

CHAPTER XI

POLAND, DANZIG AND MASURENLAND : 1939-1945

A. GENERAL

1. Poland was invaded by the Germans on September 1st, 1939, and in three weeks it had been conquered. On September 17th, 1939, Soviet Troops entered Eastern Poland; this was followed by a Treaty between Germany and the Soviet on September 28 which settled the German Soviet frontier in Poland. The Germans acquired an additional 21 million people, Russia 14 million and Lithuania 500,000; thus occurred the fourth partition of Poland.

2. The German occupying authorities incorporated the western and northern parts of Poland in the Reich, making the former voivodeships of Poznan and Lodz and the southern portion of the voivodeship of Pomerania into what they called the Warthegau or Varta District. Similar steps were taken with the rest of Poland, half becoming incorporated Eastern territories, and the remainder consisting of the voivodeships of Kielce and Lublin, part of the Warsaw district (including Warsaw), Cracow and half of the district of Lwow making up the Gouvernement Général.

3. As mentioned in Chapter VIII Resettlement Policy of the Nazi Government, persons of German ethnic origin were resettled in the incorporated eastern territories while the Gouvernement Général was used as the dumping ground of all undesirables. Hans Frank was made the Governor-General of the Gouvernement Général. No Quisling government was ever established in Poland.

4. It has been estimated that nearly nine million Poles were uprooted by Germans and were either moved into Germany proper as slave labourers, were deported into the Gouvernement Général, or were sent to the concentration camps along with the Jews. Of the concentration camps in Poland the most notorious were Oswiecim (Auschwitz), Treblinka, Chelmno, Belzec and Sobibor.

5. The first transports to Germany of compulsory labour were in October 1939, and the first confinements to concentration camps were early in 1940. At the same time German citizens from the Reich proper were resettled in the Incorporated Eastern Territories. Registration of ethnic Germans in Poland began at approximately the same time.

6. It has been stated that Poland received the worst treatment of any of the German occupied countries. As an example, from October, 1943, to the time of the Warsaw uprising, it has been alleged that there were approximately 8,000 public executions in Warsaw alone.

7. Several Partisan movements grew up in 1940/41, which operated mainly in the Gouvernement Général areas. The Germans conducted severe reprisal actions as a result of their acts of sabotage, etc., and many hundreds of people were killed by public execution.

8. After the capitulation of Poland, it is estimated that nearly one million persons moved eastward into Russia. In addition some persons left Poland by way of Rumania to the Middle East. Under the terms of an agreement made between Marshall Sikorski and Stalin a number of men of military age were to be released from Russia and allowed to go to the Middle East where they were to form a Polish Army. These men were

allowed to bring a certain number of dependents with them. As a result of the agreement approximately 112,000 persons crossed into Persia in 1942, of whom 72,000 were military personnel, and 40,000 were civilians. The military personnel joined the others who had gone to the Middle East earlier and became the Army of General Anders. The civilians were received in various countries of temporary asylum and many were to be found after the war in British East and Central Africa and in the Middle East amongst other countries.

9. Certain commanders remained with the Soviet Union and formed a Polish Army to fight by the side of the Russians. Later the Russian group of Poles formed a rival government-in-exile to the one in London, which had been hitherto the only Polish government-in-exile. This government had the advantage of having several divisions in Poland, and were *de facto* in occupation of it. As a result this Committee established its seat at Chelm in Poland (July 1944). The Soviet Government recognised the Chelm Committee which was later installed at Lublin as the Provisional Government of Poland.

B. POLISH REFUGEES AND DISPLACED PERSONS

10. The majority of Polish refugees who are encountered by field eligibility personnel do not present many difficulties in that they are ordinary slave labourers who were deported to Germany. There are, however, certain special groups which might and who should be mentioned here :—

- (a) Persons of Polish origin habitually resident in pre-war Germany, who in most cases are German citizens. In addition there are the so-called autochthonous Poles who lived in the territory formerly German and now Polish. They are all German citizens.
- (b) Persons who came to Germany as a result of registering on the Deutsche Volksliste.
- (c) A few Poles and foreigners who were living in Poland and who served in the German Waffen SS units or volunteered for the Wehrmacht.

C. DANZIG

11. GENERAL.

(a) By the terms of the Treaty of Versailles Danzig was made a Free City, that is a self-governing city although it was incorporated economically into Poland. This was created by the Allies in order to give the landlocked Polish State a port on the Baltic Sea. However, it was felt an outright gift of it to Poland could not be made because, to quote from President Wilson's "Fourteen Points" Danzig was "indisputably German". The grant was greatly resented by Germany at the time who claimed it as a German city and thus caused friction from the very beginning. Consequently, the Danzigers never ceased hoping that they would ultimately be returned to the Reich.

(b) As early as May, 1933, the Danzig Nazis won the local elections and became the majority party in the government. By 1939 they were clamouring vociferously for its reintegration with Germany.

(c) In April, 1939, Hitler demanded the city as well as the right to build an extra-territorial east-west highway and a railway across the Polish corridor. Poland refused and the situation remained deadlocked until Germany invaded Poland on September 1st, 1939.

D. MASURENLAND

12. Masuria (from which the dance Mazurka is derived) is in the southern part of the former Duchy of Prussia. It was occupied in the 13th century by one of the German orders and colonised with peasants from the neighbouring principality of Masovia. The majority of the inhabitants speak Masurian (a Polish dialect strongly influenced by German).

13. The Versailles Treaty of 1919 provided for plebiscites in Prussian Silesia and amongst the Masurians of East Prussia. The plebiscite which was held in Masuria in the districts of Allenstein and Marienwerder (Oletzko) on July 11, 1920, under the supervision of an Inter-Allied Commission resulted in a 98% (Alenstein) and a 92% (Marienwerder) vote in favour of union with Germany.

E. ELIGIBILITY STATUS OF ABOVE GROUPS

14. All Poles who have German citizenship are outside the mandate of IRO. Poles habitually resident in Germany are *prima facie* outside the mandate depending, of course, on the merits of each case.

15. Eligibility status of persons on the DVL lists is discussed in Section 1 of Chapter VIII.

16. Poles who voluntarily assisted the enemy forces in their operation are excluded under paragraph 2 (b) of Part II of the Constitution.

17. All Danzigers who are of German origin (and it should be remembered that the overwhelming majority were Germans) are outside the mandate of IRO under the terms of paragraph 4 of Part II of the Constitution. Danzigers of Polish origin are to be considered as *prima facie* within the mandate other factors being equal.

18. Some Masurians have applied to IRO for assistance claiming that they are Polish refugees. All Masurians in Germany are excluded from IRO on the ground that they are in their country of citizenship. Many of them were transferred to Germany under the terms of the Potsdam Agreement.

CHAPTER XII

CZECHOSLOVAKIA. 1935-1945

A. GENERAL

1. In May 1935 the Sudeten Party of Konrad Henlein, an obscure Gymnastics Teacher from the Sudetenland, won the majority of the seats in the election. By his speeches and with the aid of the Nazis he fomented riots and ill feeling between the Czechs and the Germans of the Sudetenland. By 1938 Henlein, now openly a German agent, was making demands for autonomy. Members of his "Free Corps" and Elite Guard Death's Head battalions provided border incidents which might constitute a *casus belli* for Germany.

2. The crisis became worse and ended at the famous Munich pact on September 30, 1938, when it was agreed to hand over to Hitler the predominantly Sudeten German areas in Czechoslovakia with additional areas to be defined by an international four-power commission. The effect of this gift was such as to destroy the economic viability of the Czechoslovak Republic and to place into Hitler's hands all the Czech border fortifications. Within a week after the conference, German terror spread over Czechoslovakia and the government of Benes was ended (Benes fled to London where he formed the Czechoslovak Government in exile). Hacha, a reactionary fascist then became premier and soon began to ape Nazi racist and political ideas. Thus between Oct. 1-11 1938 some 2½ million subjects including some 100,000 Czechs automatically became German subjects.

3. In March 1939 the Nazis instigated an uprising in Slovakia; Germany stating that the Czech Government could not deal with this situation invaded Prague. The Nazis declared Czech territory a "protectorate" and Slovakia an "independent" state under German "tutelage". They handed most of the Ruthenians over to the Hungarians. Poland took Silesian Tesin together with a few other districts.

B. CZECHS

4. Once firmly in control of the country the Nazis kept up the fiction of a protectorate (Protectorate of Bohemia and Moravia). Konrad Henlein was made head of the civil administration. A policy of denationalisation was put into effect by moving Czech workers to the Reich and sending their children to German schools; the property of Czechs and Jews who fled abroad was given to Germans. Germans from the Baltic states were resettled around Prague, breaking up compact Czech settlements. The Nazis declared the Czechs second-class citizens in their own country.

5. Many of the Czechs collaborated (some served in the SS) especially the wealthier element but the resistance was of such strength that the Nazis sent Heydrich, the most dreaded of the Gestapo terrorists to discipline the people. When he was assassinated the Nazis answered with the complete annihilation of the small town of Lidice. A leading

Nazi Daluge succeeded Heydrich as "Protector". Despite the executions of the Nazis the resistance movement continually grew stronger with the advance of the Allied Armies.

There existed in the Protectorate an association called Vlasta, a quisling organisation which was pro-Nazi and anti-semitic in character. It was used to persecute the Jews and on occasion denounced Czech patriots. It was used by the Germans to do the more onerous tasks within the Republic.

6. The Rodobraný and Szabadcsapatok. "Rodobran" was a Czech fascist organisation composed of fifth columnists who cooperated with the Nazis in their scheme to incorporate Czechoslovakia into the 3rd Reich. "Szabadcsapatok" was a similar organisation of the Hungarian minority in Czechoslovakia. Both ceased to be active after the Nazi blitz in March 1939.

7. In addition to the above groups there was the Svatoplukova Garda which was the principal Czech Fascist Organisation, as well as the Sudetendeutsche Partei (SdP) Nazi party of Czech Sudetenland.

C. SLOVAKS

8. Slovakia wanted its independence from Hungary even before Czechoslovakia was made a Republic and once the Republic was formed the Slovaks carried on a continuous propaganda for autonomy. The leader of this movement was Father Hlinka who was head of the Slovak Populist Party. He died in 1938.

9. After Munich Father Tiso took over the leadership of the Slovak clericals who showed their preference for "Slovač" rather than Czechoslovak patriotism and for Hitler rather than Benes in March 1939. At first, Slovakia became a part of a federal union with the provinces of Bohemia, Moravia and Carpathian Ukraine but later under pressure from the Nazis the Slovakian parliament declared its independence on March 14th, 1939. A new constitution was adopted in July 1939 which described the country as a Christian National Republic and permitted the existence of only one party : Hlinka's former separatists.

10. This party had an armed force known as Hlinka's Guards (Hlinkava Garda) which was a fascist organisation corresponding to the German SS. Its members wore black uniform. It was originally nationalist and separatist but later became fascist in character.

11. Although Slovakia was not occupied by German troops until August 1944 (with the exception of German military Zones) Germany's artillery could easily shell Bratislava from Austria. In addition it should be remembered that this "new" country had an undeveloped industry and was economically dependent on the Germans. Aside from the quisling Tiso government few Slovaks collaborated with the Nazis with the exception of the German and Hungarian minorities. A few Slovaks volunteered for service in the 14th Galician Waffen SS Division and after Germany attacked Russia in June 1941 Hitler demanded Slovak troops for the Eastern front. These were raised by conscription but were considered untrustworthy because of sabotage and desertion. In 1944 the Slovaks revolted against the Germans under General Rudolf Viest (the revolting group was called the First Czechoslovak Army) although the attempt was put down after a two month struggle with seven German divisions. There was throughout the occupation an active resistance movement in Slovakia.

D. RUTHENIANS

12. Carpathian Ukraina separated from the Czechs by the independent Slovak state felt that it must also proclaim its independence. It did so on March 15, 1939. Barely 24 hours after this declaration, Hungarian troops invaded the province and on March 16, Premier Teleki announced the incorporation of Ruthenia in Hungary.
13. A Ruthenian resistance movement grew up but was largely ineffectual until later in the war. A few Ruthenians collaborated with the Hungarians and Germans but their numbers were diminutive. The Ruthenian underground came out as field force after Ruthenia's capital fell to the Russians on October 27, 1944.

E. ELIGIBILITY STATUS OF THE ABOVE GROUPS

14. Senior members of the quisling governments are *prima facie* outside the mandate of IRO. Minor civil servants who can show that their activities did not constitute voluntary assistance to the enemy forces may be considered as falling within the mandate although each case will be dealt with on its merits.
15. Members of the Association Vlachka are *prima facie* outside the mandate of IRO under the appropriate sub-section of paragraph 2 of Part II.
16. Members of the Rodobrany or Szabadcsapatok are *prima facie* outside the mandate of IRO under the relevant provisions of Part II of the Constitution.
17. Members of the Hlinka Guards are *prima facie* outside the mandate of IRO under the relevant sub-section of paragraph 2 of Part II of the Constitution.
18. Members of the Svatoplukova Garda are *prima facie* outside the mandate of IRO.
19. All members of German minorities will be outside the mandate if they are in Germany and in suspense (*i.e.* receive no assistance) if they are in countries other than Germany.
20. Members of Henleins "Free Corps" or Elite Guard Death's Head Battalions are excluded under the terms of paragraph 2 of Part II of the Definitions.
21. Members of the local Nazi Parties are *prima facie* outside the mandate.

CHAPTER XIII

UKRAINE. 1914-1945

A. UKRAINE — 1914-1938

1. Since the nineteenth century, a national movement has been growing amongst the Ukrainian people for a free and independent Ukraine. The Ukrainian National Movement at the outbreak of the World War in 1914 had reached such importance that it had become a factor to be considered in the politics of Central Europe. When the Bolshevik Revolution of November, 1917, overthrew the provisional Russian Government, the Ukrainian National Central Council, on 22 January, 1918, proclaimed the Eastern Ukraine as an Independent National Republic.

2. After the break-up of the Austro-Hungarian Empire in 1918, Ukrainia in East Galicia organised a National Council and proclaimed the independence of the West Ukrainian National Republic which was to include all those areas of the former Austro-Hungarian Empire inhabited by Ukrainians. However, the so-called Ukrainian National Republic found little support for her claims because of economic and political pressures from other Central European countries, despite the fact that they had recognised the Republic by the Treaty of Brest Litovsk. As a result of the Polish attack on the Western frontier of the West Ukrainian Republic, the Eastern and Western Ukrainian Governments decided to unite the two Republics for self-protection; this was consummated on 22 January, 1919.

3. As a result of Russian influence in the Eastern Ukraine, it ultimately became incorporated into the Soviet Socialist Republic and was granted a small amount of autonomy. In the west, the Council of Ambassadors, in 1923, recognised the Polish Sovereignty over the Western Ukraine on the understanding that a certain amount of local autonomy be granted. In addition, certain large areas, such as Bukovina, were ceded to Rumania, as well as Bessarabia. The Carpatho-Ukraine was ceded to Czechoslovakia on similar terms, *i.e.* the granting of a measure of local autonomy. As a result of the above partitions, Ukraine was divided between four States, each with a certain amount of autonomous rule. This situation remained unchanged up to the time of Hitler's aggression in 1938.

B. UKRAINE — 1938-1945

4. The invasion of Czechoslovakia resulted in a reorganisation of the Czechoslovakian state of Carpatho-Ruthenia, which received full autonomy after having ceded part of its southern territory to Hungary. At this time, it officially adopted the title of Carpatho-Ukraine, and proclaimed for itself complete independence after the German occupation of the State of Slovakia in 1939. Its life, however, was short-lived as it was almost immediately overwhelmed by the Hungarian Army and incorporated into the Hungarian state. Soviet Russia, feeling this move to be a threat to its independence, occupied Volhynia and East Galicia immediately after the German forces had broken the back

of the Polish resistance. By later agreement, the Ukrainian areas of Poland were included into the U.S.S.R. Bessarabia and North Bukovina were ceded by Rumania to Russia. After the end of the War, Hungary ceded the Carpatho-Ukraine to the U.S.S.R. Thus, the entire Ukraine now became a part of the U.S.S.R. and is no longer divided amongst four different states.

C. UKRAINIAN POLITICAL AND MILITARY GROUPS

5. *Office for Ukrainian Affairs in Germany (Ukrainische Vertrauensstelle im Deutschen Reich).*

This office was an agency of the German police and Gestapo. Ukrainians residing in Germany were registered by it and issued with special identity cards. Its main task was to check and look after the Ukrainian population in Germany although it also served as a link between the Ukrainian and German authorities regarding prisoners of war, concentration camp victims, etc., etc.

6. *KUM (Ukrainian Youth Committee)*

This was a youth organisation which originated in Germany and was, shortly after its birth, incorporated into the Ukrainian Military Organisation.

7. *Ukrainian Military Organisation (U.W.O.) Ukrainiska Wyskowa Organizacja.*

The Ukrainian Military Organisation was formed by Konowalec in 1929. (He was killed in 1938.) In 1940 the movement was split into two groups: one comprising the followers of Bandera and the other composed of the adherents of Melnyk. Both groups were actively collaborating with Germans until 1941-42. In June 1941 Bandera attempted to proclaim the independence of the Ukraine in Lwow, but this attempt was resisted by the Germans. Because of German resistance to their plans both groups later became underground terrorist organisations. The Bandera group (UPA—Ukrainian Partisan Army), gained notoriety for the atrocities it committed especially in Galicia. For example the burning of Polish villages in Galicia is attributed to this group. (Bandera who is alleged to be living in the U.S. Zone of Germany is still exercising an influence on Ukrainians in Germany). A third terrorist group known as the Taras Bulba arose in Volhynia which also committed atrocities against the Poles. This later became a Soviet sponsored group.

8. *Ukrainian National Association (O.U.N.) Organizacja Ukrainiska Nacionalistiw.*

This association grew up in Germany between the two wars and was of a cultural rather than political nature. It existed until 1944 when its leaders were put into concentration camps.

9. *Ukrainian Aid Committee (Ukrainisches Hilfskomitee).*

This Committee was created in 1939 in Krakow with a branch at Lwow. It actively collaborated with the Germans and was recognised by them as an embryonic administration cadre for the Governing of the Ukraine. It was instrumental in the creation of the 14th Galician Waffen SS Division.

10. *The 14th Galician Waffen SS Division (Divisia Halychyna).*

The 14th Galician Waffen SS Division was composed of volunteers who fought under the German High Command. It was formed in April 1943 and announcements were made by the Ukrainian National Committee in May pointing out that it was the

beginning of the Ukrainian National Army. The popular mottoes used for recruiting were "if you are being given arms—take them" and "take advantage of your only opportunity to destroy communism and free your native land". The appeals were primarily directed to the Ukrainian war veterans of the 1918-1922 war struggle and it was these veterans who formed the nucleus of the unit.

11. After training in various parts of Czechoslovakia, it was assembled at Neuhammer in Western Poland. It was then incorporated into the Second Corps of the German Wehrmacht and on July 14, 1944, was sent to fight at the Battle of Brody where it was severely defeated. It was reformed at Neuhammer and (this Second Ukrainian Division) was renamed the First Ukrainian Division. It then moved to Slovakia where some Slovaks were recruited into it and thence to Austria (January 2, 1945) where it was used in mopping up operations against Tito's partisans. It fought a minor action against the Red Army at Feldbach on April 8, 1945. It surrendered to the British Army on May 8, 1945, at Klagenfurt in Austria. Its members were then moved to Rimini in Italy and from there to England where they are today except for a few who may have stayed behind in Germany, Austria and Italy.

D. ELIGIBILITY STATUS OF THE GROUPS OUTLINED ABOVE

12. Office for Ukrainian Affairs in Germany.

Members of this Committee are *prima facie* within the mandate of IRO unless voluntary assistance can be shown.

13. KUM (Ukrainian Youth Committee).

Ukrainian Military Organisation and National Organisation—members of these and allied organisations are *prima facie* outside the mandate if it is established that they voluntarily assisted the enemy forces by their actions.

14. 14th Galician Waffen SS Division (Divisia Halychyna).

Taken as a group the members of this Division are *prima facie* outside the mandate of IRO. It will be remembered, however, that as early as 1943 some Ukrainians were forced into the training base which was then located at Lemberg. After the Battle of Brody Ukrainians were conscripted into the Division.

CHAPTER XIV

U.S.S.R. 1917-1945

A. HISTORY 1917-1945

1. During the 1914-1918 war the deterioration of the Russian autocracy, as evidenced by the lack of integrity at Court and the scandal caused by the influence of the monk Rasputin, became more and more evident and when on 12 March, 1917, a strike leading to the revolution broke out, two Czarist Guard Regiments deserted and joined the revolutionaries.

2. This outburst had been prefaced by the arrival in Moscow of Lenin, who was transported from Switzerland across Germany and through the battle lines in a sealed coach by the Germans, who foresaw the possibility of detaching Russia from her western allies by fomenting a revolution within her own borders.

3. Out of the revolution of 12 March, which is more generally known as the February Revolution (according to the old calendar used by the Russians) was born the first Provisional Government under Prince Lvov and later under Alexander Kerensky.

4. In October of the same year, the radical Bolsheviks seized power from the more moderate Kerensky, who fled to Finland, and Lenin convened for the first time the National Congress of Soviets. This Congress was responsible for the signature of the peace of Brest-Litovsk under the terms of which Russia was compelled to relinquish the three Baltic States, the Ukraine, Eastern Poland and Georgia.

5. After the death of Lenin in 1924, the dispute between the radical doctrinaires and the more moderate group who, in order to strengthen the new regime, were willing to accept temporary compromise, became an open struggle for power between Trotsky on the one hand and Stalin, at that time a comparatively unknown figure, on the other. Stalin won the dispute and became Secretary of the Party—Trotsky was exiled.

6. From 1924 until 1939 a series of five year plans was introduced which made provision for the agricultural and industrial development of the country. Widespread and at times hysterical purges (*e.g.* reprisals taken after the assassination of Kirov in 1934) of political opponents of the regime similarly ensured for Stalin and his supporters a virtually unassailable position at the head of the Union of Soviet Socialist Republics, which in effect, is a federation of 16 Republics. These 16 member Republics are listed at the end of this section.

7. On August 23, 1939, a non-aggression pact with Germany was signed in Moscow, but having few illusions as to the German aims, the Russian Army advanced westwards at the time of the collapse of the Polish Army, and in September, 1939, re-occupied those parts of White Russia and the Ukraine captured by Poland in 1920-21.

8. In June 1940, Russia extended her frontier further west by the incorporation of Bessarabia and Northern Bukovina from Rumania and the Baltic States consisting of Estonia, Latvia and Lithuania. This was the line attacked by Hitler on June 22, 1941. During the next 18 months the Russian Armies were compelled to evacuate the Baltic States and Western Russia as far as the approaches to Moscow, and in the Southern Sector, Stalingrad.

9. The German defeat in January 1943 at Stalingrad was the signal for the long

retreat ending in the final capitulation of the Germans, and Russia again occupied the territories evacuated at the outbreak of the Russo-German war.

B. TRANSFERS OF POPULATION

10. The advance of the Germans from the latter half of 1942 and 1943 was the occasion for the deportation to the west of large numbers of Soviet citizens who were used in the German factories, fields and on manual tasks such as the digging of trenches and building of earthworks. From amongst these deportees and Soviet prisoners of war, the Germans also recruited for Vlassov's Army (see C below).

11. Exact figures of the total number of deportees are not available, but it is known that over two million were repatriated to the Soviet during the two years immediately succeeding the cessation of hostilities.

12. Apart from these deportations by the Germans, however, large sections of the Soviet population were transferred to the east by the Soviet Government. The main transfers under this heading are briefly outlined hereunder :—

(a) In 1941 when the German advance commenced, the Volga colony of approximately 400,000 German ethnics was transferred to the east to eliminate the danger of any demonstrations of pro-German sympathies.

(b) On the invasion of the autonomous Crimean Republic (inhabited by Moslem Tatars) by the German-Rumanian forces, large sections of the local population revolted against the Russians and large-scale massacres were committed. The Russians then expelled over a quarter million of the population to the east.

(c) In 1943, the autonomous republics of Karachaev and Kalmuk were suppressed, the Karachaev population transferred east and the territory of both republics re-distributed to neighbouring republics.

(d) In 1943, the Caucasian Moslem tribes of Chechen-Ingush, which, until that time, had enjoyed the status of an autonomous republic, welcomed the German armies as "liberators". Many volunteered for the Wehrmacht or joined gangs of German saboteurs. When the territory was again occupied by the Soviet Union, the population, which remained, was transferred to Kazakhstan and the territory handed over to other tribes.

(e) Of the groups mentioned above, few reached the sphere of western influence and are therefore not generally to be found in IRO areas of operation. The history of the Kaberdine Balkan Republic, some members of which are to be found in Italy, is however, known in greater detail. In 1917, the Kaberdine population numbered approximately 300,000 but after three risings in 1928, 1929 and 1930 against the Soviet Union, fierce reprisals were taken and in 1939 a population of only 170,000 remained. During the war the territory was occupied for a period of 15 months by the Germans and when the German Army began its retreat in 1943, numbers of Kaberdines loaded their farm carts with as many of their possessions as possible, and moved out, first to Melitopol to a refugee centre run by the "Caucasian Committee" under the Ost Ministerium, Berlin. From here, some were directed to Germany (Reichswald and Auklam) and others to Rumania (Osmanuk and Constanza). With the Russian advance in mid 1944, both groups were directed by the Caucasian Committee to Northern Italy, where they subsequently surrendered to the British troops in April 1945. It is understood that during the war none of this group wore uniform or was engaged in any para-military activity.

C. COLLABORATIONIST ELEMENTS OF VLASSOV'S ARMY

13. On 22nd October 1941 Hitler issued an order providing for the formation of the so-called Cossack units to be attached to the German army. The personnel for those units was recruited from amongst old Russian émigrés in Germany, prisoners of war, and disgruntled Russians and Ukrainians coming from those parts of the Soviet Union which had been overrun by the German war machine. The commander of the first unit formed was Major J. N. Kononow. The Russian émigré members usually volunteered and were made officers in these units. They wore German uniforms with a Cossack escutcheon. Later in the war General P.N. Krassnow was made commander of all the Cossack units which were attached to the German army. These units fought all over Europe including Russia, Yugoslavia, France and Italy. There were for example the First East Regiment at Minsk, the East Bobruisk Regiment, the Beresina, Dnepr, Pripjit, etc. battalions, all of whom fought on the Eastern front as integral parts of German units. The Kaminsky Division, composed largely of Ukrainians is alleged to have put down the Warsaw uprising in August 1944. These units became notorious for their atrocities.

14. Andrei Andrejevitch Vlassov, a General of the Soviet army, was taken as a prisoner of war by the Germans at the beginning of 1942. He turned traitor, and together with General Malyschkin and a journalist by the name of Meletij Zykow discussions were held about the liberation of Russia from the communists. These plans were evolved slowly, the basic idea being that appeals would be made from amongst the prisoners of war and forced labourers for volunteers to help create a new Russia. It was not, however, until 14th November 1944 in Prague that the Germans allowed two divisions to be organised, consisting of about 25,000 men. This was called the Russian Army of Liberation, or the R.O.A. It is not known in what, if any, operations the true Vlassov army took part. It has even been stated that it turned against the Germans soon after its formation in Prague.

15. Because of the fact that the plans for a Russian army for liberation had been made public at a much earlier date, many of the Cossack units claimed to be members of the Vlassov army as early as 1942 and wore the shoulder insignia R.O.A. Vlassov claimed that this was done without his permission, although this point has not been clarified. There existed from the beginning a bad feeling between the old Russian émigrés in Germany and Vlassov, and the leader of the former group General Biskupsky advised all Russian émigrés not to join Vlassov's army. Most of them therefore volunteered for the Cossack units, although some later volunteered for the "real" Vlassov army. The majority of the Vlassov divisions were recruited from amongst Russians and Ukrainians in prisoner-of-war camps where it is alleged that rations were stopped prior to the arrival of Vlassov or one of his lieutenants appealing for the establishment of a new Russia and better living conditions.

16. It should be mentioned that Ukrainians dissatisfied with Soviet rule were a special target for recruiting into Vlassov's army under the promise of establishing a thousand year "Free Ukraine". Some Ukrainians who had already volunteered for the Wehrmacht were transferred into Vlassov's army, and these may be distinguished by the fact that they possessed Kennbücher on which the word "Ukrainer" is inscribed on the top right hand corner. (See Section 4, Chapter XXVII.)

17. As mentioned above, many of the personnel of the so-called Cossack units wore the R.O.A. insignia, even though they were not the *bona fide* Vlassov troops. It is therefore difficult to distinguish between a member of the Cossack units and a member of the Vlassov army which was gathered at Prague in November 1944. The only available criteria for distinguishing between them depend, as it is clear from the above paragraphs, on discovering the date of recruitment and places of service, *bona fide* Vlassov troops being recruited late in 1944 and probably not serving in Western Europe.

D. ELIGIBILITY STATUS OF ABOVE GROUPS

18. Cossack units and Vlassov army. The overwhelming majority of the persons who joined the Cossack units were volunteers. Any individual member would therefore *prima facie* be excluded under paragraph 2 (b) of Part II of Annex I to the Constitution. Persons who appear to have been members of the Vlassov army rather than of the Cossack units must be treated on their merits, particular attention being paid to any allegations of duress in their recruitment.

19. Persons from the Crimean Republic, the Caucasian Moslem tribes of Chechen-Ingush and others who volunteered for the Wehrmacht or otherwise voluntarily assisted the enemy forces in their operations are excluded from the assistance of IRO under the terms of paragraph 2 of Part II of the Definitions.

E. LIST OF MEMBER REPUBLICS OF U.S.S.R.

<i>Republic</i>	<i>Capital</i>
Russia	Moscow
Ukraine	Kiev
Belorussia	Minsk
Uzbekistan	Tashkent
Turkmenia	Ashkhabad
Tajikistan	Stalinabad
Georgia	Tbilisi (Tiflis)
Armenia	Erivan
Azerbaijan	Baku
Kazakhstan	Alma-Ata
Kirghizia	Frunze
Karelo-Finnish	Petrozavodsk
Muldavia	Kishinev
Lithuania	Vilnius (Vilna)
Latvia	Riga
Estonia	Tallinn

CHAPTER XV

HUNGARY. 1938-1945

A. GENERAL

1. In order to understand the events which caused Hungary to adopt the attitude she did between 1938 and 1945, and the role the political personalities of Hungary played during this period, it is important to keep in mind two things :

(a) By the Treaty of Trianon (June 1920) Hungary suffered great losses both in territory and in population. She lost nearly 69% of the area and a little over 58% of the population which belonged to historic Hungary to the neighbouring countries of Austria, Rumania, Czechoslovakia and Yugoslavia. Thus both her internal and foreign policy between the two wars and during World War II was aimed and backed by an intense desire to regain her lost territories through a revision of the Treaty. This explains why between the two wars Hungary was a source of friction and agitation which prevented real peace from existing in south central Europe. It also explains why Hungary looked to Germany and Italy when they began to remake the map of Europe.

(b) Following the fall of the communist regime of Bela Kun in August 1919, Hungary suffered from the "White Terror" led by the aristocratic and reactionary forces which succeeded it and which was patronised by Admiral Horthy. This frightful affair left an indelible blot on Hungary's reinstated ruling class and helps to clarify the reasons for the political scene within Hungary during the intervening years to the end of World War II.

2. During the Munich Conference, thanks to the aid of Mussolini, a clause was inserted into the agreement which provided that a settlement of the problem of the Hungarian minority in Czechoslovakia should be made. It also provided that should direct negotiations fail, the Munich powers were to impose a settlement. The negotiations did fail but instead of applying to all the Munich powers Hungary appealed to Germany and Italy, who on November 2, 1938, rendered the first Vienna Award which drew a rough ethnic frontier favourable to Hungary.

3. Imredy, who was prime minister, instituted at this time a quantity of anti-semitic legislation, which frightened the conservative and big Jewish interests which turned him out of office. He was succeeded by Count Paul Teleki, who was both cautious and an opportunist. When the disintegration of Czechoslovakia was assured, he occupied the rest of Ruthenia which then gave Hungary a common frontier with Poland. Taking advantage of the fact that the Soviet occupied Bessarabia in June 1940, Hungary appealed again to Germany and Italy regarding her claims against Rumania. As a result she was awarded a large part of Transylvania under the terms of the Second Vienna Award made on August 30th, 1940.

4. When Hitler prepared to attack Yugoslavia in 1941, he demanded the assistance of Hungary, promising a reward if this was given and threatening penalties if it was refused. Help was already being prepared with the connivance of Warth, Chief of the Hungarian General Staff. Teleki, when he heard that preparations for the attack had already begun (in contravention to a Pact of Eternal Friendship signed with Yugoslavia the preceding year) committed suicide on April 3rd, 1941. The Regent, however,

failed to protest, much less to order resistance. As a result of this, Hungary was given all the territory (excluding Croatia-Slavonia and the Banat) which belonged to her before Trianon. The occupation of this territory was distinguished by a number of atrocities which culminated in the massacre of Novisad (Ujvidek).

B. WAR ACTIVITIES OF THE VARIOUS GROUPS IN HUNGARY

5. As a result of a staged aerial attack on one of her cities, Hungary followed Germany by declaring war on Russia on June 27, 1941, the prime minister Bardossy announcing that the state of war was the result of the "unprovoked attack" by Russia. The war against Russia was not much favoured and after one defeat at the front Hungary withdrew all her troops except an army of occupation. Later Hungary declared war against the United States and Great Britain.

6. Germany who noticed the vacillations of Hungary occupied the country toward the beginning of 1944. It was Hitler's desire to transform Hungary into an armed citadel which would be capable of providing a defence against Soviet Troops. As a result Kallay, who was then prime minister, was dismissed and Sztojay, formerly the Hungarian minister to Berlin, formed a new cabinet under the Nazis. Almost immediately afterwards a terrorist regime was instituted, all political parties were dissolved and the Jewish population began to be exterminated.

7. Hungarian Gendarmerie. The Hungarian Gendarmerie (Magyar Kiralyi Czendörseg) was a pre-war semi-military body with military ranks and under military discipline. They were mostly responsible for public security.

8. Waffen S.S. units were created in Hungary which in 1942 had 30,000 members, the majority of whom were Volksdeutsche and most of whom came from those parts of Hungary which had been recently incorporated into it (i.e. Backa, Sathmar, North Siebenbuergen). However, some Hungarians who were not of German ethnic origin volunteered for these units.

9. The Arrow Cross Party (Nyilas or Pfeilkreuzler). This organisation, which was founded during the beginning of the Hitler regime by the Hungarian agitator Szalasi (of Armenian origin) and patronised by some of the aristocracy such as Count Festetic, was the Hungarian counterpart of the Nazi party in Germany. It was violently anti-semitic, anti-democratic and totalitarian and was used as a fifth column for the Germans. In 1939, as a result of German aid it succeeded in winning 42 seats in the Hungarian Parliament. As the majority of its constituents were extremists and revolutionaries they exercised some influence on events after that date. After the occupation of Hungary by the Germans, they gave vent to their feelings against both the Jews and the members of other political parties. Finally on 15 October, 1944, they installed their leader Szalasi at the head of the state. He proclaimed himself to be both the Regent and the Prime Minister. After the occupation of Hungary by the Soviet troops, he fled into Germany with a large number of his followers.

10. Hungarian National Association (Magyar Nemzeti Szovetseg). This association was founded in September 1944 by Szalasi and Imredy for the purpose of assuring that Hungary remained Nazi in character and pursued Nazi policies. Later, however, neutral elements infiltrated into the association in an attempt to prevent the scheme from being successful. Thus while the original members were adherents of Szalasi, many of the later ones were his opponents.

11. The Hunyadi Division (Hunyadi Hadosztaly) was the counterpart of the German Waffen SS and it has been reported that it was responsible for many of the atrocities which were committed by the Hungarians in the occupied areas (see Chapter XXV).

12. Ragged Gurd (Rongyos Garda). This association was formed in 1918 as

a counter-revolutionary body although afterwards activities lapsed. However, it was revived in 1939 by Hejjas and Bela Somogyi and took part (with Polish help) in guerilla warfare against the Czechs in Ruthenia. It was also used in 1939-40 to harass the Rumanian frontier. In 1942 it had about 3,000 surviving members.

13. Awakening Hungarians (Ebredő Magyarok). This was the most notorious and brutal of all the counter-revolutionary associations. It was the chief instrument of the White Terror and the author of the anti-semitic atrocities of the early period. It was dissolved by Count Bethlen. In April 1944, however, one of its ex-leaders, K. Nesz, issued an appeal to old members to get in touch with him. He was prominent in the 30's as an Arrow Cross Deputy and had to flee from Hungary. It is not known whether the association was revived but if it was it was probably closely connected with the Arrow Cross amongst whose ranks most of the ex-members were to be found.

14. Turanian Hunters (Turani Vadaszok). It was founded in the 30's and was chauvinistic, anti-semitic and anti-German in character. There were branches of this association in Transylvania and Bacska which were created as a means of penetrating into these territories.

15. Berczenyi League (Berczenyi Egyesület). This league was founded in Ruthenia in 1941 by the then High Commissioner for Ruthenia, N. Kozma, as a patriotic, para-military uniformed body composed of individuals who had been interned, imprisoned or sentenced by the Czechs for pro-Hungarian activities during the period when Ruthenia belonged to Czechoslovakia.

16. Bacska Union (Bacskai Szövetség). The Union was founded in 1941 and consists of Hungarians who were obliged to leave their homes in the Bacska during the Yugoslav rule.

17. Order of Heroes (Vitezi Rend). The Order was founded in 1921, its members being men who had received high decorations for conspicuous gallantry in World War I. Later this was extended to the eldest sons of heroes who succeeded to their father's titles and privileges. Finally heroes of World War II were admitted. In November of 1943 there was a total membership of 4,342 officers and 11,189 men with a waiting list of 8,000. The Order was not armed although they constitute a body on whose reliability the Government counted. During the war newly-appointed members were settled on lands in "recovered" territories formerly occupied by colonists of the successor states. They have also been given first priority on the Jewish-owned estates which were expropriated in 1942.

18. Levente. This association was founded in 1921 with the alleged purpose of giving physical training to the Youth of the country, but actually as a pre-military body. It is closely analogous to the Italian Balilla or the Slav Sokols. In 1942 it was formally incorporated into the army and confined itself to military or para-military training. Membership of the Levente was compulsory for all youths from 12 to 18 and there were further courses for "leaders" from 18 to 21. In 1941 a voluntary girls' Levente was formed which it is reported had a membership of 200,000.

19. Cross of National Defence (Nemzetvédelmi Kereszt). This order was created in 1941 by Regent Horthy for persons who displayed particular courage and loyalty during the revolution and counter-revolution, or during the return of the "recovered" territories. There were several hundred recipients of this Order. Many of them were members of the Vitezi Rend.

C. ELIGIBILITY STATUS OF ABOVE GROUPS

20. Hungarian Gendarmerie. Persons who joined this group after 1941 should be carefully interviewed, especially senior officers. A determination should be made whether they served in the occupied territories where many atrocities were committed.

21. Hungarian Waffen S.S. Non-Volksdeutsche members of the Hungarian Waffen S.S. who volunteered are excluded under paragraph 2 (b) of Part II. Volksdeutsche members are outside the mandate if they are in Germany or in "suspense" if in countries other than Germany.

22. Arrow Cross Party (Nyilas or Pfeilkreuzler). Members of this party are *prima facie* outside the mandate of IRO under the terms of paragraph 2 of Part II of the Definitions.

23. Hungarian National Association (Magyar Nemzeti Szovetseg). Those who can show that they joined the Association to equalise the effects of Szalasi and his followers are *prima facie* within the mandate provided they fulfill the other constitutional criteria.

24. Hunyadi Division (Hunyadi Hadosztaly). Members of this division should be assimilated in status to ordinary members of the German S.S. and are, therefore, *prima facie* outside the mandate of IRO. (See Chapter XXV).

25. Ragged Guard (Rongyos Garda). Any of the members of this association who fall under the terms of paragraph 2 of Part II are outside the mandate of IRO. They should be carefully questioned regarding their activities in Ruthenia.

26. Awakening Hungarians (Ebredo Magyarok). Members of this group were likely to have been affiliated with the Arrow Cross Party. Evidence of such affiliation will make them *prima facie* outside the mandate.

27. Turanian Hunters (Turani Vadaszok). Members of this group who were rewarded for their subversive activities in the Bacskai or Transylvania by grants of land, etc. should be excluded in so far as their activity was an essential part of the policy of persecuting United Nations nationals.

28. Berczenyi League (Berczenyi Egyesület). Any of the members of this league who volunteered or participated in the slaughter of the Jews in Ruthenia are outside the mandate.

29. Bacskai Union (Bacskai Szovetseg). Members of this Union will be dealt with on the merits of each case.

30. Order of Heroes (Vitezi Rend). The members of the Order who were admitted during World War II were the heroes of the war in Hungary. Members of the Order, therefore, should not necessarily be regarded as any worse than good soldiers and patriots. Persons of possibly reprehensible behaviour—whether by living on expropriated property or otherwise—should be excluded from the mandate in so far as their activity was an essential part of the policy of persecuting Jews and United Nations nationals.

31. Levente. No presumption will be made in the cases of members of this organisation, as membership was compulsory. However, special attention should be paid to the leaders of this group who remained after the Aztojav regime.

32. Cross of National Defence (Nemzetvedelmi Kereszt). Members of this order who were instrumental in the return of the "recovered territories" should be closely interrogated regarding their activities in those areas in order to ascertain whether or not they fall within the excluding categories of Part II of the Definitions.

CHAPTER XVI

RUMANIA. 1938-1946

A. GENERAL

1. During the pre-war period and up to June 1938 Rumania was a constitutional monarchy. However from 1933 to 1938 it was governed by a parliament led by Tatarescu and the Liberal party, although in the latter year, new elections brought into office a government composed of anti-semitic and Iron Guard elements under the leadership of Cuza (Christian Defence League) and Goga (National Christian Party). Within a short time this government was dissolved and a fascist dictatorial government under the leadership of Calinescu (National Renaissance Front) came into power. The real head of the party, however, was the King who made membership compulsory for all servants of the state.

2. Largely due to his attempted suppression of the Iron Guard during the previous year, Calinescu was assassinated in September 1939 and after a brief interval Tatarescu was again returned to power with a government composed of one party only, the National Front. Steps towards a royal dictatorship were taken, and the King's position had been considerably strengthened by early June 1940, when Tatarescu rejected the Anglo-French guarantees and obtained the protection of Germany, allowing a German military mission and troops to enter the country.

3. However Rumanian morale was lowered by the occupation on June 28, 1940, of Bessarabia and Northern Bukovina by the USSR, and in July, after the Vienna Awards had confirmed the cession of this territory, King Carol (who was criticized for the loss) summoned General Antonescu to form a National Coalition Government. This he succeeded in doing, with the support of a Legionary Movement, on condition that King Carol abdicate. In September of the same year, Michael was proclaimed King, Antonescu "Leader of the state", and Horia Sima, then head of the Iron Guard, Vice-President. On 30 August, 1940, also under the terms of the Vienna Awards, Northern Transylvania was transferred to Hungary, and on 7 September, by the Treaty of Craiova, Southern Dobrudja was ceded to Bulgaria. In January 1941, Sima, supported by members of the Iron Guard, attempted a revolt which failed and he was forced to take refuge in Germany. Iron Guard participation in the government was then succeeded by a military dictatorship.

4. By June 1941, all parties including the two historically democratic groups, the National Peasant Party under the leadership of Julio Maniu, and the Liberal party under the leadership of Georg Bratianu, were prepared to support the declaration of war against the USSR, which was made on 22 June with the direct object of regaining the territories ceded in 1940. Great Britain declared war on Rumania on 6 December, 1941, and on 12 December Rumania, in her turn, declared war on the United States. After initial successes against the Russian army, the Rumanian troops suffered severe losses and were driven back. On 23 August, 1944, Rumania surrendered to the Allies and subsequently declared war on Germany and Hungary, putting her army at the disposal of the Soviet command. By November 1944, the Saratescu government, which had replaced Antonescu, who had been arrested at the time of the Rumanian surrender, was replaced by a government formed by Radescu which included a larger communist element. This

element in the government strengthened its position until in 1946 both Tatarescu, who, in March 1945, had jointly with Groza formed the government imposed by Russian ultimatum, and King Michael withdrew from office.

B. TRANSFERS OF POPULATION

5. Before the war, minorities in Rumania represented 28.1% of the total population, of which the three largest groups were Hungarians, representing 7.9%, Jews 5.7%, and Germans 4.1%. The Hungarian and German minorities were located almost entirely in Transylvania, west of the Carpathians, while the Jewish minority, which represented approximately one sixth of the industrial and half of the commercial population of the country, was scattered throughout the country.

6. After the cession of Bessarabia and Northern Bukovina to the USSR, an agreement was made on 5th September, 1940, between Germany and the Soviet for the transfer to Germany of the German minorities, and approximately 137,000 persons, including 12,500 from Czernowitz, left these two provinces. In October of the same year, the Germans made a similar agreement with Rumania for the transfer of approximately 76,700 ethnic Germans from the provinces of Northern Dobruja and Southern Bukovina.

7. The cession of Northern Transylvania to Hungary and Southern Dobruja to Bulgaria under the terms of the Vienna Award (30 August) and the Treaty of Craiova (9 September) respectively gave rise also to two agreements between Rumania and those countries for the exchange of national minorities.

8. The Rumanian minority in the provinces ceded to Russia which was repatriated to Rumania consisted largely of families settled in those areas since 1919. When, in 1941, Rumania reoccupied the two provinces, they were again resettled there. During the short period of their stay in Rumania 1940-41, the Rumanians from Bessarabia were accommodated in Moldavia and those from Northern Bukovina in Transylvania. In the autumn of 1942, there was again a general transfer to the west of Rumania of those Rumanian nationals living at that time east of the river Bug.

(The Jewish minority is dealt with in the Chapter on Jewish Refugees.)

C. POLITICAL PARTIES

9. Before the war, there existed in Rumania a total of twenty-eight political parties, of which the two most outstanding have been already mentioned, *i.e.* the National Liberal Party, which has been led, since the time of its foundation in 1866, by the Bratianu family, and the National Peasant Party, founded in 1926 by Ion Mihalache as a result of a fusion of two older parties, but as was seen in sub-section A, 2 above, the immediate pre-war period saw in Rumania various combinations of Right-Wing parties tending towards a dictatorial regime.

10. The most powerful pre-war element in Rumanian politics was, however, the Iron Guard (Garda de Fer), originally known as the League of the Archangel Michael, which was founded in 1923, with the Swastika as its emblem, around the person of Corneliu Codreanu, adopting its present name in 1930. Premier Duca fell its victim in December 1933, as did Calinescu in 1939, and from 1933 onwards, the fascist terrorist and pro-Nazi character of the organisation became increasingly patent. Its appeal has been described as being "especially to dispossessed aristocrats, disgruntled young intellectuals and to

numerous souls who ascribed their poverty to the prosperity of the Jews". In 1938, its founder Codreanu was shot and an obscure follower by name of Horia Sima took his place. As previously noted, Antonescu used the Guard to assist in the formation of his government in 1940, but in January of the following year, during the revolt against Antonescu's leadership, the Iron Guard distinguished itself by the worst excesses, directed especially against the Jewish population. The revolt having failed, most of its leaders succeeded in escaping to Germany or Austria, where they enjoyed the protection of the Nazis. After the Rumanian surrender in 1944, Horia Sima and certain of his followers set up a puppet Rumanian government in Germany with the intention of continuing the war at the side of the Germans. Finding itself without any support in Rumania itself, however, this government rapidly disappeared into oblivion.

D. MOBILISATION OF LABOUR

11. *Forced Labour.*

A special characteristic of the labour situation in Rumania during the war years is the fact that very few Rumanians were transferred as forced labourers to Germany. The only known agreement was one made in 1941 for the transfer of 16,000 Rumanian youths as apprentices for training, but it is known that this agreement was not fully implemented, and no more than 4,000 were transferred under it. Rumania did send, however, some so-called volunteers to Germany who belonged to the Hungarian, Slovakian, Ukrainian and Russian minorities.

12. Another group of persons who came to Germany were labourers and workers who were lured by the promise of high wages and the fact that proof of work exempted them from army service in Rumania. The number of such persons who went to Germany is not known.

13. *Youth Labour Service.*

In March 1941, a youth labour service, with leaders trained in Germany, was set up in Rumania, but the labour camps intended to house the conscripts began to function only in April 1942. The period of service required of each person was seven months, and those to whom conscription applied were youths in their 19th and 20th years.

14. *Civil Mobilisation.*

This was authorised by a decree of May 1941, making men and women between the ages of 20 and 57 liable to compulsory employment if not already employed. Subsequent decrees published in 1943 dealt with particular aspects of Rumania's manpower problem, and, in addition, special decrees were passed, permitting the employment of those Jews who were necessary for war production. Jews, who were dismissed from their normal employment, were compulsorily enrolled in the Jewish labour service and generally employed on road work. The Rumanian Jews, were however, exempted from military service.

15. *Waffen S. S.*

Immediately after the entry of Rumania into the war, recruiting began for the Rumanian Waffen S. S. or the Rumanian Legion as it was called. At first it was composed of volunteers but as the war progressed, conscription was increasingly used to swell its ranks. By the beginning of 1944 there were 57,000 persons in these units, the majority of whom were Rumanian Volksdeutsche.

E. ELIGIBILITY STATUS OF THE ABOVE GROUPS

16. Iron Guard (Garda de Fer). All members of this group are *prima facie* outside the mandate of IRO under the relevant terms of paragraph 2 of Part II of the Definitions.

17. Youth Labour Service. No presumption will be made regarding this group since service was compulsory. Leaders should be closely interviewed as to whether or not they volunteered.

18. It must be remembered that persons who went voluntarily to Germany are not excluded from IRO for this reason. If, however, their activities in Germany can be construed as voluntary assistance to the enemy forces in their operations, they must then be regarded as outside the mandate.

19. Non-Volksdeutsche members of the Rumanian Waffen S. S. who volunteered are excluded from IRO assistance under paragraph 2 (b) of Part II of the Constitution. Volksdeutsche members are outside the mandate if they are in Germany or in "suspense" if in countries other than Germany.

CHAPTER XVII

BULGARIA. 1934-1944

A. GENERAL

1. Bulgarian politics between the two wars was characterised by an all powerful monarchy (especially after April 1935) and the difficulties and problems caused by IMRO (International Macedonian Revolutionary Organisation). After the coup d'Etat of the ZVENO group on 19 November, 1934, all other political parties and IMRO were dissolved. The ZVENO group was an organisation which grew up in 1928 and which had a semi-fascist character. Later King Boris liquidated the leaders of the ZVENO group and became the indisputable dictator of the country. After this he was able to give free course to his personal leanings towards Germany and Italy, and his policy was to achieve again the Greater Bulgaria which was created by the treaty of San Stefano. (This treaty was imposed by Russia on Turkey after the war of 1887-88, which created a much larger Bulgarian state, which extended from the Black Sea to the Danube and to the Aegean Sea. However, because of opposition especially from Germany, the territory of this new state was considerably reduced by the Congress of Berlin). This Greater Bulgaria also became the dream of all the nationalist Bulgarist parties and was reflected in their foreign policy. It was for this reason that Bulgaria joined the central powers during the first World War and the reason why, during the second World War, she annexed the Greek and Yugoslav territories.

2. In order to Bulgarise these annexed territories, deportations and persecutions were practised on a grand scale, in order that the dream of a homogenous Greater Bulgaria could be attained. The strength of this feeling was illustrated by the way in which the Bulgarians put down a revolt in October of 1941 in Thrace, in which the Bulgarian police either shot or deported nearly all the population of one of the villages. This policy finally led Bulgaria to declare war on the Allies on December 13, 1941. However, prior to that date German infiltration had begun and by the early part of 1941 the Germans had occupied all the key points in Bulgaria. On April 6, the German army under Marshal List, which had been massed in Western Bulgaria, crossed the Yugoslav frontier to invade Eastern Yugoslavia. At the same time other German armies crossed the Greek frontier and occupied Salonika.

3. After the death of King Boris on 28 August, 1943, his minor son Prince Simeon was proclaimed king and a regency commission was formed by Prince Kyrill, the Prime Minister Filov, and the Minister of War Michov. On 26 October, 1944, the Bulgarian government announced that Bulgaria was withdrawing from the war and that all German troops which were found on her soil thereafter would be disarmed. The Soviet government, impatient of the vacillations of the Bulgarian government, stated that she would not recognize the neutrality of the country and declared war on her a few days later (5 September, 1944). On the same day, Bulgaria declared war on Germany and demanded an armistice with the Soviet. Soviet troops entered without resistance into Bulgaria and on 9th September, Radio Moscow announced the end of military operations in Bulgaria. The armistice was finally signed in Moscow on 28 October, and the Bulgarian army participated to the end of the war on the side of the Yugoslav and Soviet troops.

B. WARTIME ACTIVITIES OF THE VARIOUS GROUPS IN BULGARIA

4. *IMRO*.

This famous secret society was founded in 1893 with the purpose of freeing Macedonia from the Turks. Gradually, however, *IMRO* developed into a terrorist organisation with the aim of creating an independent Macedonia. However, toward the end of the nineteenth century it fell under the influence of the Bulgarian government, from which it received subsidies and arms. Consequently one branch of the organisation began to agitate for a united Macedonia within the Bulgarian state. The history of *IMRO* is extremely complicated, since it was torn by feuds amongst its own leaders. Broadly speaking, there were three main groups in *IMRO* :

- (a) the Supremists (named after the Supreme Committee in Bulgaria) which aimed at uniting Macedonia with Bulgaria,
- (b) the Federalists, who looked more to Yugoslavia for help in achieving independence,
- (c) the United *IMRO* (*OIMRO*) which looked to Soviet Russia to sponsor the Macedonian state as a unit in a Communist-Balkan-Slav federation. The Chief mover in *OIMRO* was Dimitar Vlehov who now holds high office in Yugoslavia. The present Macedonian Republic which forms part of Yugoslavia is really the outcome of *OIMRO* aims.

In 1923, *IMRO* controlled almost all of the Bulgarian district of Petrich and conducted frequent raids on Yugoslav territories, creating not only a terroristic regime in these regions but also a friction between the Bulgarian and Yugoslav governments. At the same time the organisation began to play a more important role in Bulgarian politics, especially after 1923, when one of its groups under the orders of Ivan Mihailov assassinated the Prime Minister Stambouliski. Little by little, by these terroristic actions, *IMRO* became a force so powerful that it was in a position to impose its wishes on the government between the years 1923 and 1934. It was at that time united between its two chiefs Protoguerov, who was moderate and pro-Yugoslav, and Mihailov, who was more extreme and terroristic. As a result of the rivalry of the two men, the group split up into the factions outlined above. However, because of the internecine battles and the terroristic methods followed by it, it became very unpopular and was finally dissolved in 1934, when the *ZVENO* group staged its coup d'Etat. Mihailov who had become chief of the movement after Protoguerov had been assassinated, fled to Italy, where he allied himself with Ante Pavelic, who was also a refugee in Italy. His faction of the party, the Mihailovists, was disbanded at this time. On the other hand, the Protoguerovists were interned by the civil authorities. However, after the annexation of Macedonia by Bulgaria, those who signed a declaration affirming that they renounced their federalist ideas were given their freedom. It is reported that the Organisation is now acting in Greek Macedonia in an attempt to wrest the territory from Greece and include it within the present Macedonian Republic.

5. *ZVENO*.

This party was established in 1928 by the officers of the Bulgarian army, and it developed around the newspaper *ZVENO*, from which it took the name. Its chiefs, Colonel Damian Velchev, General Zlatev, and Simon Guerguev, attempted to suppress the reign of terrorism current at that time as well as all other political parties. It was pro-Nazi in its internal policy, although it was liberal in its foreign policy, advocating reconciliation with the Yugoslavs and federal-statehood with Macedonia. After the overthrow of

the party by King Boris, ZVENO did not play an important part until 1944-45, when it overthrew the monarchy and established a republic, which concluded an armistice with the United Nations.

6. *The Rodna Zashchita* (Defence of the Fatherland and the Race) was a strongly nationalistic and anti-semitic movement, which embraced fascist principles. Although it was dissolved in 1929, certain members flourished under the German occupation.

7. *The National Legion* (*Legioneri*) was a patriotic society founded between 1925 and 1934, when it was officially dissolved. During the war it was supported by the Nazis. General Lukov, who was assassinated in January 1943, was a leading member of this organisation, as was General Jekov. Its membership was estimated at about 40,000.

8. *Brannik* was founded in May 1941 as a Nazi youth organisation by Doctor Klech- and to prepare them for military service.

9. *The State Security Police* (*Darjavna Sigurnost*) were the secret political police of Bulgaria. They were responsible for all political arrests, internments and for the guarding of concentration camps within Bulgaria.

10. *The Military Police* (so-called V. P.—*Voenna Politsia*) were the most powerful of all the police forces, and from 1939 on were under Colonel Nicho Georgiev, who was violently pro-German.

11. *The Motorized Police.*

The commanding officers of this unit comprised the most pro-German elements of all the police forces. In fact, all officers of this unit were trained in Germany.

12. *The Uniformed Police* (*Uniformina Politsia*) was the largest branch of the police force and is equivalent to the ordinary police which one sees in the streets of any country. Most of its senior officers received special training in the Berlin and Rome police schools. The majority of these were pro-Nazi or pro-Fascist in character.

C. ELIGIBILITY STATUS OF THE ABOVE GROUPS

13. *IMRO.*

When interviewing Macedonians an attempt should be made to assess the association individual members may have had with Mihailov, who collaborated with Pavelic and the Ustas during the war. Members of IMRO who come from Greek Macedonia are *prima facie* outside the mandate of IRO under paragraph 6 (a) of Part II of the Definitions.

14. *ZVENO.*

Members of this group who participated in the Jewish persecutions of 1941-44 are outside the mandate of IRO under the terms of paragraph 2 of Part II of the Definitions. However, no presumption should be made that all members were pro-Nazi and anti-semitic; each case will have to be dealt with on its own merits.

15. *Rodna Zashchita.*

Members of this movement who supported the Germans are *prima facie* outside the mandate.

16. *National Legion.*

All senior members of this society are *prima facie* outside the mandate of IRO under the terms of paragraph 2 of Part II. This presumption may be rebutted by refugees who make it plausible that they did not assist the Nazis. It is reported that members

of this society are leaving Bulgaria and applying for IRO assistance on the grounds that they have been politically persecuted and point to imprisonment after the war. It is reported that the majority of these persons were imprisoned in fact because of their pro-Nazi attitude during the war.

17. *Brannik.*

Membership in this organisation does not raise any presumption although members should be closely interviewed as to their war-time activities since the organisation was pro-Nazi in character.

18. *State Security Police.*

All members of this force are *prima facie* outside the mandate of IRO.

19. *The Military Police.*

All officers of this group are *prima facie* outside the mandate. Other ranks will have to be dealt with on their own merits as many of them may not have known the policy of the Organisation.

20. *Motorized Police.*

To be treated as the Military Police above, although it should be borne in mind that this unit was much more pro-German than the Military Police.

21. *The Uniformed Police.*

Officers of the rank of captain and above are *prima facie* outside the mandate. Others will have to be treated on their individual merits.

CHAPTER XVIII

YUGOSLAVIA. 1941-1945

A. CROATIA

1. When the Germans overran Yugoslavia in 1941 they took advantage of the strong feelings between the Croats and Serbians and created the Independent State of Croatia in December, 1941. They brought in as the Quisling head of this Government Ante Pavelic who had been exiled to Italy because of his activities in pre-war Yugoslavia and who was head of the Ustashi Party. After the occupation by the Germans Serbia was partially dismembered, parts of it being given to the Independent State of Croatia as well as to Hungary, Bulgaria and Albania.

2. The armed forces of the Croat Quisling State had a General Headquarters which was not political in nature. Under this Headquarters were two military arms—the Ustas forces and the Domobranstvo (literally "Home Defence"). The Ustas forces which were analogous to the Italian Blackshirts consisted of:

(a) *PAVELIC'S BODYGUARD* (POGLAVNIKOV TIJELESNI ZDRUG, known as PTZ for short). This included many of PAVELIC's old supporters who had been in exile with him in Italy before the war. It was a high class field unit, of which one battalion (P. T. Bojna) was set aside as the personal bodyguard of Pavelic.

(b) *THE BLACK LEGION* (CRNA LEGIJA), which was commanded first by FRANCETIC and later by General BOBAN. This was a special detachment earmarked for the hardest operations. Its strength varied between 1500 and 2000.

(c) *THE USTAS MILITIA* (USTASKA ODBRANA), comprising the bulk of the Ustas troops and divided into mobile and static units. They were mostly employed in local punitive expeditions and worked in close contact with the U.M.S. (Ustasa Nadzorna Sluzba—the Ustasa Police).

(d) *RAILWAY BRIGADES* (ZELEZNICARSKI ZDRUG), which also had mobile and static elements, and whose job it was to protect installations and railway communications from Partisan attacks.

(e) *THE USTAS AIR FORCE*. Although the Croat Air Force was an Ustas Organisation there is definite evidence that in the technical fields men were conscripted.

3. The Ustas forces generally consisted of volunteers and there were few exceptions to this rule before 1944. After that date, however, the exigencies of war forced the Ustas military to conscript for their units and to take reinforcements from the DOMOBRANSTVO. All Ustas units had a bad record of excesses and atrocities. The BLACK LEGION and the BODYGUARD were regarded as corps d'élite both from the military and political point of view. In addition to their excesses, their concentration camps were as notorious as those of the Germans. A considerable number of these camps existed, the worst being at Jasenovad. The staff and guards of these camps were generally old Ustas party members who were not fit for frontline fighting.

4. It should be mentioned here that the end of the war and the expulsion of the Ustas did not curtail their activities in Yugoslavia. Ustas activity inside Yugoslavia today centres around the "Krizari" or "Crusaders" who are bands of marauders operating

in the forests and mountains. (Note this should not be confused with the pre-war Krizari or Hrvatski Katolicki Orso which was a Catholic youth movement and which was not political in character). After the end of the war, the Ustas made a serious attempt to organise widescale opposition to the Partisans and sent back from Italy for this purpose one of their leading officers, Colonel Lisak, who was, however, caught, tried and subsequently executed at Zagreb.

5. The Domobranstvo was perhaps a more active formation than its name implies. It was established in April 1941 and acted as the army of Independent Croatia. It was used as a field force to fight the Partisans as well as to protect areas from Partisan attacks. It was essentially a conscript force, of inferior quality to the Ustas units, had no political complex, and did not acquire a notably bad record. 35 was officially the maximum age for conscription, though many men over this age served in the force for a variety of reasons, such as to avoid conscription by the Partisans or German sponsored Croat units. Generally speaking a boy on reaching 20 years was automatically called up into the DOMOBRANSTVO unless he elected for the Ustas units. Broadly the Croat Domobranstvo was a militia which fought only in Croatia against the Partisans. In addition to this ground force there was a Croat navy composed almost entirely of former navy personnel who were recalled into service. This navy, outside of some work done in the Black Sea off Bulgaria, was not active.

6. In addition to the Croat armed forces discussed above, the Germans recruited from the Croat people several divisions which were integral parts of the WEHRMACHT. These were as follows :

(a) THE CROAT BLUE (PLAVA) DIVISION.

(b) THE DEVIL (VRAZA) DIVISION.

These divisions of conscripted Croats had with few exceptions German or Volksdeutsche Officers and NCO's, and German uniform was worn. It was frequently the case that a youth on being called up to the DOMOBRANSTVO was immediately transferred to one of these divisions and sent to Germany for training. The Devil Division was sent to fight on the Russian front from Germany.

(c) THE 13 SS/HANDZAR DIVISION.

This was composed of Moslems, mainly recruited from BOSNIA, who were nominally volunteers, but who in fact were subjected to considerable pressure by their religious leaders to join. The Germans exploited the massacre of Moslems by Serbs in order to encourage enlistment and although protection of their communities was a primary motive of recruits, revenge soon became the dominating spirit and this division indulged in excesses equal to those of any troops in the Balkans. The Germans had in mind the eventual use of this division as the nucleus of a larger Moslem force in the Middle East, but in fact, after training in Germany and France, it never moved further East than Yugoslavia. German uniforms were worn. Each sub-unit had a Moslem priest, or imam, who held SS rank and acted as a kind of religious commissar. The majority of officers and some NCO's were German or Volksdeutsche.

7. In addition to these three formations some CROAT Volksdeutsche entered the ranks of the SS Prinz Eugen Division which was, however, mainly composed of Volksdeutsche from the BANAT in Serbia. Added to the above groups were the CROAT POLICE. The pre-war Yugoslav Gendarmerie was reorganised in the CROAT State under the directorate of Public Order and Security. Apart from the regular civil police there was the Gendarmerie (ORUZNISTVO), under General PECNIKAR and the Specialist Political Police. The members of the ORUZNISTVO and Specialist Political police were volunteers and can be regarded as active Ustas supporters. The Quisling Croat Gendarmerie had a bad record. When General Pecnikar took over the Gendar-

merie, he made a clean sweep of personnel and kept only the former members who were trustworthy, bringing in at the same time a large number of Ustas proteges. All officers and NCO's of the Gendarmerie were in fact Ustas, and men, who joined the Gendarmerie during the war normally did so by voluntarily transferring from other Ustas units. They were regarded as civil servants, and in the spring of 1942 were transferred from the Ministry of Armed Forces to the Ministry of Interior.

B. SLOVENIA

8. After the capitulation of Yugoslavia in 1941 SLOVENIA was dismembered by the Axis, the northern part of the country being incorporated in the German Reich and the southern including the old capital of Ljubljana, being occupied by Italy.

9. In the German part all young men were automatically conscripted into the WEHRMACHT. In the Italian part (Provincia Di Lubiana) a volunteer organisation known as the Village Guard (VASKA STRAZA) was formed in the summer of 1942 to counter Partisan activities. Armed and supplied by the Italians its members were mostly peasants, although officers were frequently drawn from the old Royal Yugoslav Army. This organisation was referred to by the Partisans as the "White Guard". Its units were employed statically in defence of villages. It was virtually wiped out by the Partisans after the Italian capitulation in September 1943. As in the German part of Slovenia, some Slovenes from Venezia Giulia were conscripted into Italian units.

10. At the Italian capitulation in 1943 the Germans occupied the Southern half of the country. An organisation known as the Slovene Homeguards (SLOVENSKI DOMOBRANCI) was set up in that Zone, and were instructed, armed and supplied by the Germans. The old Vaska Straza formed the nucleus of this new force, whose members, partly conscripts and partly volunteers, were again mostly peasants led by ex-officers of the Royal Yugoslav Army. There was also a puppet Quisling administration headed by General Rupnik, which was also established after the Italian collapse.

11. In addition to the above there were two small organisations, the CORENJSKI DOMOBRANCI and the PRIMORSKI DOMOBRANCI (who were formed in Venezia Giulia after the Italian collapse), but their history is too complicated for discussion here and it will be found that there are few if any ex-members now left. Throughout the war there was a small and ineffective Chetnik organisation covering the whole of SLOVENIA. It was under the supreme command of Mihailovic, and was largely inoperative and compromised to some extent with the Italians. In the very last days of the war it was redesignated "The Slovene Army of the Homeland". The records of all these Slovene formations were much milder than those of their CROAT and SERB counterparts. With the exception of senior officers of the DOMOBRANS their members should not seriously be regarded as active and wilful collaborators.

C. SERBIA

12. On the collapse of Yugoslavia in April 1941, a Quisling Government was formed under General Nedic. This Government was merely the tool of the Germans and it had little scope both internally and externally. It was frequently the case that it was not informed by the various Occupation forces of developments in Serbia. It should be mentioned that it never declared war on the Allies as did the Croat Government, because the Germans did not trust the Serbs as much as they did the Ustashi.

13. This new State of Serbia was in need of an army and therefore Ljotic, who

was founder of the pre-war Zbor Party, inaugurated the Serbian Volunteer Corps (SRPSKI DOBROVOLJACKI KORPUS). This was raised primarily for the Germans and it operated at all times within the general strategic framework of the German High Command, and was armed and supplied by them. Though it never fought outside Yugoslavia it did fight alongside the Wehrmacht. As is obvious from the name, most of the Ljotic troops were volunteers, although a few Serbs were pressed into the service in 1944. The Corps had a very bad record of excesses and atrocities and was strongly nationalistic. The Corps was Royalist, but reactionary to such an extent that it transcended nationalism, and its excesses were indiscriminately directed against the right and left wings of the Serb resistance movements. Ljotic himself and some of the senior officers were pro-Germans. It may be mentioned here as a matter of interest that Ljotic was killed in a motor accident in Slovenia early in 1945 before the remnants of the Serbian Volunteer Corps surrendered to the Allied Armies in Italy.

14. One of the first acts of General Nedic was to call up the Gendarmerie which was a pre-war para-military organisation, in order to keep the peace. This group became known as the Serbian State Guards (SRPSKA DRZAVNA STRAZA) and it included existing town police and frontier customs guards as well as the Gendarmerie. A number of officers and non-commissioned officers who had formerly belonged to the Army or to the Chetniks were put into this organisation. Its members were pro-Mihailovic and pro-Ally and they at first assisted Mihailovic by informing him of German plans made against him, and by passing over arms. It was, however, a Quisling force masquerading under the guise of ordinary police. Although it was not essentially a military body, it was used as the war progressed more and more to fight the Partisans of Tito.

15. The CHETNIK MOVEMENT. (For the purposes of IRO the term CHETNIK denotes a follower of General Mihailovic who joined one of the groups under his supreme command). The literal meaning of the word CHETNIK, is a member of the CHETA, a company of armed men who started up in opposition to the Germans in April, 1941, under Mihailovic. It was at first called the "Royal Yugoslav Army in the woods" and was constituted of a cadre of ex-army personnel who had never surrendered, but who returned home at the time of the capitulation fully armed. Mihailovic was chosen by the legal Government of Yugoslavia, as their leader in Yugoslavia. It should be noted, however, that at the beginning there were two Chetnik movements: one, Mihailovic's and the other, that of Costa Pecanac, who was a hero of past wars. Mihailovic invited Pecanac to take the post of commander of his movement in South Serbia but Pecanac refused because he did not feel inclined to make the Chetnik Organisation a resistance movement against the Germans. Therefore, he went over with his men to the Quisling Government set up by General Nedic. His men were recognised by that Government and by the Germans as "legal Chetniks" while most of Mihailovic's men were known as "illegal Chetniks", although the line of distinction was not a clearly defined one. Later Pecanac's men were absorbed either into Mihailovic's units or formally incorporated into the Nedic forces. Thus the Chetnik organisation associated with Pecanac very early ceased to exist and the word "Chetnik" came to denote a follower of Mihailovic.

16. In June 1941, after Soviet Russia became an ally, another resistance movement to the Germans sprang up, namely the Partisans under Tito. Both movements co-operated at first, but in October, 1941, the growing dissension between them caused them to break apart. It is impossible to know who was most to blame, although both sides claimed that the other was responsible.

17. However that may be, from that time on the main immediate aim of the Chetniks was to fight the Partisans and not the Germans. Having once embarked on this course, they became more and more entangled with the Germans, until by the middle of 1944, the whole movement was committed to an active collaboration with them. In fact, some of Mihailovic's commanders began collaborating very early with the Italians and after the Italian collapse in 1943, with the Germans.

18. It is significant that nearly all the Chetniks in the Damjanovic Group were those commanded by DJUIC, JEVDJEVIC and DJURISIC who were all collaborating whole-heartedly before the end of 1941.

19. Although it is true to say that Mihailovic and the Chetnik Movement as a whole was basically anti-German, the fact remains that their obsession with the Communist menace and their belief that the Western Allies would liberate them when the time came, led them first to a policy of inactivity and then increasingly one of open and active co-operation with the Germans. They were officially disowned by the United States and British Governments in February 1944.

20. In 1944 General Nedic at Mihailovic's instigation persuaded the Germans to release General Damjanovic who had been a prisoner in what is now known as the British Zone of Germany, since the beginning of the war. Damjanovic after his release accepted the post of Chief de Cabinet (May 1944) in the Nedic Government with the additional liaison role between the two leaders.

21. By October 1944, prior to the Russian occupation of Belgrade and the flight of the Nedic Government to Austria, the Serb Volunteer Corps was moved, with German assistance, westwards to Slovenia to escape from the advance of the Russian armies. At the same time the Serb State Guard, which passed under the command of Mihailovic, was renamed the Serb Shock Corps (SRPSKI UDARNI KORPUS) and withdrew to Slovenia together with some of Mihailovic's Chetniks proper. There they were joined by the Serb Volunteer Corps and other Chetniks who had made their way up from Dalmatia. General DAMJANOVIC did not accompany NEDIC to Austria but joined MIHAILOVIC in Bosnia. Mihailovic himself, still expecting Allied landing in Yugoslavia, delayed his withdrawal until it was too late and he and a large part of his Chetniks remained in Yugoslavia after the end of the war. It had been decided, however, that DAMJANOVIC should take command of the Serb Volunteer Corps, the Shock Corps (late State Guards) and those Chetniks who had concentrated with them in Slovenia. Unhindered by the Germans, DAMJANOVIC therefore drove to Slovenia in the last weeks of the war (March 1945) and arrived in time to organise the final withdrawal into Italy and the surrender to the Allied Armies. It was in Slovenia that a few hundred CROAT and SLOVENE Domobran and a handful of Slovene Chetniks joined up with General DAMJANOVIC's group. The Croats, under General PARAC, called themselves the Croat Army and the Slovenes, under the Chetnik General PRESELJ (Alias ANDREJ) styled themselves the Slovene Army. For a period of time after capitulation the Damjanovic group was used as guards by the Allied Armies in Italy until their transfer to the British Zone of Germany in the summer and fall of 1947.

22. In addition to the above groups which will be encountered by Eligibility Officers, a large number of Volksdeutsche in Serbia volunteered for the Prinz Eugen Division (mentioned in Sub-Section A, 7 above). This Division was directly under the German Chief of Police in Serbia. It was a Waffen S.S. Division composed solely of Volksdeutsche soldiers and officers. In 1942 the Division numbered about 20,000 men, but this figure must have been considerably increased in view of the intensified mobilisation of Volksdeutsche in Serbia and the Banat.

23. Finally there was the Russki Corps (also known as the Autonomous Russian Corps, Russische Werkschutz Gruppe, Russian Grand Corps, Russian Schutz Korps and Rogozhin Group) which was composed of Nansen refugees who had become established in Yugoslavia, Bulgaria and Rumania. Registration of all Nansen refugees was begun shortly after the capitulation of Yugoslavia and they were issued white identity documents called "Ausweis Legitimacija". (See Chapter XXVII).

24. After the Germans occupied Yugoslavia, these Nansen refugees grouped together for protective purposes under General Skorodumoff (Skorodumov) who founded the Corps on 12 September 1941. It was named the "Autonomous Russian Corps" and its members were dressed in old Russian uniforms. However, Skorodumoff was arrested almost immediately and General Steifon took over command of the Corps and renamed

it the "Russische Werkschutz Gruppe". Its main purpose was to guard bridges, factories, etc. Later it fought against the Partisans.

25. At the end of 1942 the Germans took over the control of the group and changed the name to "Russische Schutz Korps". No German officers were assigned to it, although the uniform was changed to German.

26. When Steifon died at Agram in April 1945, Colonel Rogozhin took command of the group and today it is popularly known as the Rogozhin Group. As it became evident the end of the war was in sight, Rogozhin drove into Austria where he surrendered to the British on the 12 May, 1945, at Klagenfurt.

E. SPECIAL REFUGEE SCREENING COMMISSION (MACLEAN COMMISSION)

27. The Maclean Screening Commission was entrusted by the British Government with the task of sorting out those Yugoslavs surrendered enemy personnel who were found in Italy at the end of the recent war. It later performed the same task in respect of Yugoslavs in the British Zone of Austria. It began its work in January 1947 basing its judgement on the IRO Constitution and its main task was to discover whether each person fell within or not within the mandate of IRO on the basis of his war-time activities. For this purpose the criterion of "voluntary assistance to the enemy forces" was the one most frequently used, although the other criteria of Part II of the Definitions were in fact applied. The question of "valid objections" was not explored very thoroughly.

28. Persons who were considered to have fulfilled the criteria were classified as "White" while persons who were considered to fall outside the mandate were classified as "Grey". Persons suspected of being war criminals, traitors or Quislings, and who were demanded by the Yugoslav Government, were classified as "Black", and detained.

29. Screening sheets were made out for each person which gave information regarding his war-time activities. Each sheet was marked "Grey" or "White" as the situation required. These records have been made available to IRO through the courtesy of the British Foreign Office, and have been distributed to the British Zone of Germany and to Austria, where most of the Yugoslavs are now located. Doubtful cases may be checked by means of these records.

30. In addition to the screening sheets, a complete card index of every person screened by the Maclean Commission was made available to this Headquarters. The card index has been retained at IRO Headquarters, Geneva, for reference purposes in the event checking is necessary by the Review Board or the Administration.

31. While the Organisation does not accept the eligibility decisions of the Maclean Commission, since they are not its own, its records may be used by Field Eligibility personnel for checking or corroboration purposes. Thus a person found "Black" or "Grey" by the Maclean Commission probably belonged to one of the more reprehensible units such as the Ustas or the Specialist Political Police, etc., and this fact should be given serious consideration by the Eligibility Officer. On the other hand, the "White" classification of the Maclean Commission is not as stringent as the IRO criteria. For example, members of the Serbian Volunteer Corps were found "White" by the Commission while under IRO criteria all those who volunteered, especially before 1944, are outside the mandate.

F. STATUS OF THE VARIOUS GROUPS OF YUGOSLAVS OUTLINED ABOVE

32. CROATIA.

(a) *Ustas.*

All Ustashi are *prima facie* excluded from IRO under the provisions of paragraph 2 of Part II of the Constitution. It will, however, be remembered that after 1943 and especially after 1944 some Ustas were conscripted. Conscripted members of the Railway Brigades who by the nature of their duties did not commit atrocities may—other factors being equal—be considered as falling within the mandate.

(b) *Domobrans.*

Generally speaking all its members were conscripted. However, senior officers (minimum rank : colonel) should be excluded under paragraph 2 (b) of Part II.

(c) *Blue and Devil Divisions.*

The officers of these Divisions were almost without exception Volksdeutsche and should be treated as such. The troops were mostly conscripted and no presumption that they fall outside the mandate should be made. It must, however, be recalled that a number of them were volunteers.

(d) *13 SS-Handzar Division.*

All members of this Division are *prima facie* excluded under paragraph 2 (a) of Part II of the Constitution.

(e) *Oruznistvo (Croatian Gendarmerie).*

Were in the main volunteers and therefore excluded under paragraph 2 (b) of Part II of the Constitution.

(f) *Specialist Political Police (Croatia).*

Were volunteers and therefore excluded under paragraph 2 (b) of Part II of the Constitution.

(g) *Krizari.*

Members of this Organisation are excluded from IRO under the terms of paragraph 6 of Part II of the Constitution.

33. SLOVENIA.

(a) *Slovene Domobrans.*

Those members of this group who volunteered and especially senior officers (minimum rank : colonel) are *prima facie* outside the mandate under paragraph 2 (b) of Part II. Those who make it plausible they did not assist the enemy are within the mandate, other factors being equal.

34. SERBIA.

(a) *Chetniks.*

Military leaders who after the spring of 1944 continued to fight on Mihailovic's side (minimum rank : colonel who was in active command) are to be considered as outside the mandate, as well as officers in command of independent Chetnik Units who continued to fight against Tito after the middle of 1944. Subordinate officers and other ranks who may not have had a clear conception of what was happening should be treated on their own merits, although no presumption as to their falling outside the mandate should be made.

(b) *Serbian Volunteer Corps.*

All members of the Corps who volunteered, and it is considered as fairly reliable that the overwhelming majority were volunteers, are to be excluded under paragraph 2

(b) of Part II. Those who joined it after 1944 will have to make it plausible that they were conscripted.

(c) *Serbian State Guards.*

The majority of this group was composed of persons who were already doing gendarmerie or similar work and therefore should not normally be considered as falling outside the mandate. However, officers who joined the group after its inauguration in 1941 are *prima facie* outside the mandate under paragraph 2 (b) of Part II of the Constitution, unless they can give a plausible story for joining after this date. Equally, commanders (minimum rank: colonel) who after 1944 fought against the Partisans are excluded under paragraph 2 (b). It will also be remembered that some Chetniks were ordered by Mihailovic to join in order to procure arms for him. These will be dealt with on their merits, and no presumption that they are outside the mandate should be made.

(d) *Rogozhin Corps.*

Members of the Rogozhin Corps will be regarded as *prima facie* outside the mandate of IRO under paragraph 2 (b) of Part II of the Definitions.

(e) *Prinz Eugen S.S. Division.*

Members of this Division who volunteered are outside the mandate of the Organisation under the terms of paragraph 2 (b) of Part II of the Constitution. The remainder (it will be remembered that this was a Volksdeutsche Division) are outside the mandate if they are in Germany or "in suspense" if they are in other countries.

CHAPTER XIX

ALBANIA. 1939-1945

A. GENERAL

1. On April 7, 1939, the Italians invaded Albania and were in complete occupation of it within a few days. The King of Italy was made the King of Albania who appointed a Governor-General (Luogotenente) to represent him. Although theoretically Albania remained an independent Kingdom in personal union with Italy, in practice the country was run by the Italians by means of Albanian Ministers with Italian "advisors" and through the Albanian Fascist Party.

2. A Quisling government was established first under the leadership of Shefqet Verlaci until December 1941 and then under Mustafa Meriika-Kruja. A number of collaborators entered into the government although there were many minor civil servants who remained in it not because of Fascist sympathy but because there was nothing else for them to do. The Italians absorbed the Albanian Army within theirs and superseded the Albanian Gendarmerie with the Italian Carabinieri.

3. On 28 October, 1940, Mussolini invaded Greece using Albania as his base of operations. Albanians participated in Italo-Greek war on both sides although it is difficult to distinguish which groups fought the other. It is known, however, that the Kosovars (part of the Albanian minority in Yugoslavia) willingly collaborated with the Italians on the promise of being liberated from Yugoslavia.

4. After the capitulation of Yugoslavia, Albania received the small part of Serbia (see Section I) which contained an Albanian minority. For example, it is undoubtedly true that the people living in the plain of Kosovo (Kosovo Polji) were of Albanian origin. In addition Albania received a small part of Greece bordering the Epirus region because of the Albanian minority there. It should be mentioned here that the investigations of a League of Nations Committee found that 23,000 Albanians formed a minority in Greece and approximately 20,000 Greeks (known as Grecophones) formed a minority in Albania.

B. WARTIME ACTIVITIES OF THE VARIOUS GROUPS

5. Resistance movements began in Albania as early as 1939 which developed into right and left wing movements as in Yugoslavia, with the difference that they did not fight amongst themselves until late in the war. The first resistance bands were the Nationalists and by 1942 a considerable number of Partisan bands had been formed. They met in 1942 and formed the National Liberation Movement (National Clirimtare) which included all active resistance elements. However, later the right wing nationalists unwilling to leave the direction of the resistance to the left wing formed its own union known as the National Front (Balli Kombetar). Although they preferred not to work with the Communists they co-operated in many actions and no fighting broke out between them, except sporadically in certain areas.

6. The Quisling government of Albania was composed mostly of persons who felt that they had not been adequately rewarded by King Zog prior to the occupation, Albanian fascists, Kosovars who attached more importance to the fact that the Italians had liberated them from the Yugoslavs and persons who remained in the government because they hoped to assist the resistance. A small number of prominent officials who refused to collaborate were shot or put into concentration camps in Albania or in Italy.

7. The Albanian Fascist Militia which was composed largely of volunteers who were members of the Fascist party, was inaugurated in September 1939 under Halit Alija and Selim Xhetani. It fought with the Italians against the resistance movements and units of it (including the First Albanian Blackshirt Assault Battalion) participated in the Greek campaign. Many of these units took part in the plundering of villages and committed many atrocities, especially in the village of Tragjas.

8. The numerative strength of the Albanian Fascist Party is not known. It was founded immediately after the occupation and was according to its charter "a voluntary civil militia". The members swore an oath of allegiance to Mussolini. After the inauguration of the regime all officials in Albania were required to become members. As a result many resigned and others became members in name only in order not to lose their jobs. The organization was modelled closely after the Italian one and some of its members over the age of 18 served in an armed force which was under an Italian General.

9. After 1942 bands of pro-Italian irregulars roved Albania, especially the Kacaci in Kosovo Metohija and Western Macedonia. This group composed mostly of Moslems, attacked all Christians of any nationalities and committed atrocities.

C. ELIGIBILITY STATUS OF ABOVE GROUPS

10. Albanian Quisling Government. The senior members of this government are certainly excluded from falling within the mandate of IRO. Junior officials who continued because they had nowhere else to go will be treated on their own individual merits. It will be remembered in this connection that all officials in the government had to become members of the Fascist Party.

11. Albanian Fascist Militia. This group was analogous to the Italian Blackshirts. Its senior officers are excluded from the assistance of IRO under the terms of paragraph 2 of Part II. Others serving in this unit will have to make it plausible that they were conscripted. It should be borne in mind, however, that some units of this organization took part in reprisals, atrocities and in the persecution of resistance groups.

12. Albanian Fascist Party. All members of this group are *prima facie* outside the mandate of IRO. This presumption may, however, be rebutted if it is made plausible that the individual joined under duress and was not active in the organization.

CHAPTER XX

GREECE. 1940-1945

A. GENERAL

1. The Italians invaded Greece on October 28, 1940, although they maintained that this was not in fact true for a few days thereafter. During the early part of the campaign the Italians were driven back into Albania by the Greeks within a short time and matters were rather serious, because at the speed with which the Greeks were advancing it was apparent the Italians would be driven from Albania. Therefore Hitler to save his axis partner's face attacked Yugoslavia and Greece simultaneously on April 6, 1941. By April 27, the Germans had entered Athens. The Greek government and the British forces in Greece evacuated to Crete, where they were attacked by the Germans on May 20. The British forces began to evacuate Crete on June 1.

2. A few days after the Germans entered Athens a puppet government was established composed of 5 generals, 5 university professors, 1 lawyer and 1 former civil servant. No politician or business man of any standing would accept office under the Germans, although many were approached repeatedly. By an edict of May 7, 1941, the Kingdom of Greece ceased to exist and the State of Greece appeared. Although the Italians were nominally in occupation of the country, German troops actually controlled all the more important places.

3. After the occupation of Greece (Greece was occupied by Germans, Bulgars and Italians) certain areas were annexed to Bulgaria and to Italy, although no formal statement of annexation was ever made. In the Bulgarian annexed territories (which included the occupied Greek regions of Macedonia and Thrace) a decree published on June 10, 1942, stated that all persons resident in "Greater Bulgaria" would automatically acquire Bulgarian nationality on that day. Persons of non-Bulgarian descent became Bulgarian citizens unless they opted for Yugoslav or Greek nationality in which case they had to leave Bulgarian territory. Large numbers of Greeks were sent as forced labourers.

B. GREECE UNDER THE OCCUPATION

4. As mentioned above a puppet government was established in Greece during the occupation. Its first Prime Minister was Tsolakoglou, who resigned in 1942 and whose place was taken by Loghothetopoulos. Gotsamanis was the most notorious Greek collaborator and he held the directorship of the majority of the important ministries. Part of the puppet government was pro-German while the other part was pro-Italian.

5. In the territories annexed by Bulgaria and Italy, all civil officials were replaced by collaborators and in the Bulgarian part the old officials were sent to concentration camps in Bulgaria or Germany. Generally it may be stated that all collaborators had been anti-Venizelists before the war although it would not be correct to say that all anti-Venizelists were collaborators. In fact the bulk of them belonged to the resistance move-

ment. (Note: Venizelos had been Prime Minister of Greece and in 1935 certain elements of the Greek army attempted an unsuccessful coup to return him to power, which the anti-Venizelist group in the army quelled.)

6. In 1941, Tsolakoglou inaugurated a Security Corps which was a new Gendarmerie designed to ensure full cooperation with the occupying forces. Many of the higher officials were undoubtedly pro-German but collaboration in the lower ranks was rare.

C. ELIGIBILITY STATUS OF THE ABOVE GROUPS

7. Members of the Quisling Government are *prima facie* outside the mandate of IRO. Junior officials who may have retained their posts because of economic reasons will be dealt with on the merits of each case.

8. Senior members (rank major and above) of the Security Corps are outside the mandate under the terms of paragraph 2 of Part II of the Constitution. Officers below that rank will be dealt with according to their individual merits. Ordinary members of the corps are *prima facie* within the mandate.

CHAPTER XXI

MENNONITES

A. ORIGIN

1. The Mennonite Church had its birth in Zürich, Switzerland, in the year 1525. The first name of this Church was simply "Brethren" until such time as Mennonitism had spread to other countries, when it became customary to refer to the ones who had first founded the Church as the "Swiss Brethren".

2. Since the majority of Mennonites who might fall within the mandate of IRO are those who originally came from Holland, it is proposed that this section of the Church will be dealt with in this outline. The seed of the Mennonite Church was sown in Holland in the year 1530. The faction which became the precursor of the modern movement was known as the "Obbenite Brethren" after one of the leaders—Obbe Philips. In 1536, however, the "Obbenites" won to their cause a very able catholic priest—Menno Simons—who became the outstanding leader of the group. As a result, people began to name the group after Menno, first using the name "Menist" about the year 1544, and later changed it to Mennonite.

3. Mennonitism is a proscribed religion whose members have been persecuted since the time of its founding. One of the most striking beliefs of the Mennonite faith is its policy of non-resistance and their conscientious objection to the use of armed force.

4. In Holland, as in Switzerland, the new movement was persecuted. It will be recalled that at approximately this time the Inquisition was sweeping over Holland and Flanders and the persecution of all sects was one of the principal policies of the Spanish occupation forces. The persecution in Flanders, for example, was so severe that except for a few who fled, only a small number of the Mennonites survived. Because of this intense persecution the Mennonites began to look for a new home.

B. EXODUS TO PRUSSIA

5. As early as the middle of the sixteenth century, Mennonite refugees from Holland found their way to the deltas of the Vistula and the Negat rivers in Polish Prussia where they founded various Mennonite congregations. Both Dutch factions, Flemish and Frisian were represented amongst these congregations.

6. Various charters were issued by the successive Kings all through the seventeenth and eighteenth centuries guaranteeing the Mennonites the original privileges which had been granted them as, for example, exemption from military service. These refugees were extremely popular because of their frugality and industriousness which enabled them to reclaim many of the heretofore swamp lands and waste areas. As a result of this popularity, when the Duchy of Prussia became a Kingdom in 1701, King Frederick I sent an invitation to the "Swiss Mennonites" who at this time were being driven out of the Canton of Berne. A few accepted this invitation and located near Tilsit.

7. However, as the Mennonites began to increase in population and in wealth, restrictions began to be enforced on them because of their extensive property holdings. In addition, the war-like Prussians began to conscript the young Mennonites into the army irrespective of their religious belief which denounced warfare and refused to become a part of it.

8. As a result of these restrictions the Mennonites began to explore the possibilities of finding a new home where they might be free to live up to their religious convictions without governmental interference. After many vacillations they finally accepted the invitation made to them by Catherine of Russia in 1786. Soon afterwards, approximately 6,000 Mennonites left Prussia and the deltas of the Vistula to emigrate to the fertile steppes of Southern Russia along the lower Dnieper and Molotschna rivers.

C. THE EXODUS TO RUSSIA

9. By the fall of 1788 a number of families had found their way to the new settlement, a site on the Chortutz, a small branch of the Dnieper. It is not considered necessary to detail all the various small settlements made by the Mennonites in Russia. However, a few of the larger ones will be outlined below. In the main it may be stated that the Mennonite refugees settled principally in the Crimea. The most important settlements were :

- (a) Deutsch-Kazun and Deutsch-Wymisle
- (b) Deutsch-Michalin
- (c) Those who settled on what was called the "Salt Tract" along the Volga.

10. In addition to the group who came from Prussia, a number of "Swiss Mennonites" migrated before the close of the eighteenth century to Polish Russia. They originally came to Galicia from the Palatinate and Montbeliard, France.

11. Later the large Crimean colonies outgrew their land allotments and were forced to found other daughter colonies for their surplus population. The principal daughter colonies were :

- (a) Bergthal
- (b) Borsenko
- (c) Grossfürstenland
- (d) Karassan.

12. It is estimated that all in all approximately 8,000 Mennonites came to Russia from 1788 until 1874 by which time this number had increased to approximately 45,000, a rather unusual population increase when compared with population growth elsewhere.

13. It should be noted that not all the Mennonites in Prussia went to the Crimea. Some remained behind, others moved into Danzig and still others settled in Poland proper; they have remained there until the present day.

D. EXODUS FROM RUSSIA 1874 TO 1945

14. The Mennonites in Russia exercised complete self-government, retained their own customs and had little or no contact with the native Russians. These privileges

were extended not only to the Mennonites but also to the 500,000 German settlers who came to Russia at approximately the same time as the Mennonites and who settled in adjoining communities.

15. The Mennonites during their long stay in Prussia had adopted the German language and customs and were considered as part of the German colonists by the Russians. They established their own schools in these colonies where only German was taught. Platt-Deutsche was usually the language spoken in the house. They could be differentiated, however, from the German colonists surrounding them, because of their religion and by some of the old Dutch customs which they had brought from Holland.

16. The days of special privileges could not and did not last forever and as early as 1870 the Czar decided that these privileges must cease and that all Mennonites were to become full-fledged Russians. Because of the Czar's decision, one-third of the 45,000 Mennonites in Russia in 1874 had emigrated to the Americas by 1884. Emigration thereafter was sporadic and diminutive in character because of the various restrictions imposed by the Russian Authorities. A second large exodus, however, occurred in 1929-1930 when over 25,000 Mennonite refugees left Russia for Canada, Brazil and Paraguay. The remainder who wished to leave were not permitted to do so legally by the Soviet Authorities.

17. The third and most recent exodus from Russia occurred during World War II when approximately 35,000 Mennonites came to Germany from 1941-1945. Some of these persons were sent by the German Authorities to Rumania, Czechoslovakia and Poland (Warthegau) while others left Russia with the retreating German armies. It is estimated unofficially that 25,000 of these persons later returned to Russia voluntarily or were forcibly repatriated under the terms of the Yalta Agreement.

E. MENNONITES AT PRESENT IN GERMANY, AUSTRIA AND ITALY

18. There are now in Germany, Austria and Italy four different categories of Mennonites:—

- (a) *Danzig Mennonites*, who came to Germany during the war either voluntarily or were expelled by the Poles as Volksdeutsche. It is estimated that there are approximately 2,500 of such persons in Western Germany, the majority of whom are in Schleswig Holstein of the British Zone of Germany.
- (b) *East and West Prussian Mennonites*. These came to Germany in the same manner as the Danzig Mennonites mentioned above. It is estimated that there are approximately 3,000 in Germany although some may have found their way to Austria and Italy.
- (c) *German Mennonites*, habitually resident in the Western Zones of Germany. It is estimated that there are approximately 25,000 in Germany and a few in Austria.
- (d) *Polish and Russian Mennonites*. As was implied in subsection D para. 4 above, it is estimated that there were approximately 11,500 such persons in Germany. Of this number, the great majority have been resettled to overseas countries such as Canada and Paraguay. These were mostly to be found in Germany, although smaller numbers are to be found in Austria and Italy.

F. ELIGIBILITY STATUS OF THE VARIOUS GROUPS MENTIONED ABOVE

19. *Danzig Mennonites* : Those persons who are in Germany are to be considered as excluded from the Mandate of IRO under paragraph 4 of Part II of the Definitions. Danzig Mennonites in countries other than Germany will be held in suspense and no assistance will be given to them.

20. *East and West Prussian Mennonites* : Those persons who are in Germany will be regarded as German nationals in their country of nationality. Outside Germany they will be regarded as ordinary German nationals.

21. *German Mennonites* : — Those who are in Germany will be regarded as the East and West Prussian Mennonites above.

22. *Russian and Polish Mennonites* :—Russian and Polish Mennonites will have their status determined on the same bases as any other refugee. The Dutch ethnic origin of these persons, while interesting, cannot be used as a criterion effectively since (as was seen above) they left Holland approximately 300 years ago and their culture is not unequivocally Dutch. On the other hand, they are not to be considered as Volksdeutsche as it is felt that because of certain cultural characteristics and their distinctive religion, they may be distinguished from the Volksdeutsche group.

23. Recent information received on this group indicates that :

- (a) The Berlin Documents Centre has shown that some Mennonites applied for German citizenship as early as 1942.
- (b) There was no duress or compulsion used by the Nazi Government on persons who applied for German citizenship in the Umsiedler camps of the Warthegau and other places.
- (c) The Berlin Documents Centre has shown that a number of Mennonites served in various reprehensible German units such as the Waffen SS and the Sicherheitsdienst.

24. It is considered necessary, therefore, that the names of any new Mennonite applicants should be referred without exception to the Berlin Documents Centre and that eligibility decisions on applications from Mennonites be held pending receipt of the reply from the Documents Centre. It appears, on the basis of evidence available, that some Mennonites have voluntarily assisted the enemy forces in their operations against the United Nations.

25. Furthermore, it should be the normal rule that any Mennonite in Germany who has registered with the Einwohnermeldeamt as a German citizen or a Volksdeutsche should be regarded as a German national in his country of nationality and therefore not within the mandate. It will still remain possible for exceptions to be made to the normal rule if the individual can make it plausible that the reason for his registration or acceptance of German citizenship was to avoid forcible repatriation. In view of recent information, it would seem, however, that such cases would be extremely rare.

26. Mennonites found in countries other than Germany who are registered as Volksdeutsche or who have become German nationals, will be treated in accordance with the relevant sections of this Manual.

CHAPTER XXII

HUTERITES

A. GENERAL

1. This religious group although not organically connected with the Mennonites is very similar to it both in the matter of beliefs and history. They share with the Mennonites an Anabaptist ancestry and differ in their beliefs only in the matter of communistic ownership of property.

2. The Huterite religion started in the Tyrolean Alps and Moravia and gained the name from its Leader Jacob Huter. Like the Mennonites its members were subjected to severe persecution. Because of this they escaped to Hungary where after a time they were again subjected to persecution because of their beliefs.

3. In 1707 a number of them found their way to Wallachia where they settled until the Turkish armies forced them to leave for Russia where they settled near the Mennonites. Their numbers were extremely small and the majority emigrated to America in 1874.

4. The Russian Huterites are of German origin and speak and read German to this day. In addition to the few Huterites who may have fled from Russia there are some German and Austrian Huterites who did not leave those countries.

B. ELIGIBILITY STATUS OF HUTERITES

5. Russian Huterites will be treated as any other ordinary refugee. If they have Volksdeutsche or Reichsdeutsche status they will *prima facie* be not within the mandate unless they can make it plausible that this status was acquired under duress or compulsion.

6. German and Austrian Huterites in those countries are outside the mandate as they are in their countries of nationality. Outside these countries they will be treated as ordinary German or Austrian refugees.

CHAPTER XXIII

JEWS

A. PRE-1939

1. During the inter-war years, anti-semitism or discriminatory practices appeared sporadically in East and South East Europe. From 1933 onwards these tendencies were very clearly defined in Germany and within three months of Hitler's accession to power, anti-semitic legislation had been introduced. This proceeded at a gradually increasing tempo until the outbreak of war, and restricted Jewish activities of almost every character. Economic and professional discrimination was legalised, citizenship under certain conditions was withdrawn, marriage with Jewish persons was forbidden and Jewish civil servants were dismissed. Finally, areas were defined into which it was forbidden for any Jew to penetrate.

2. In 1935 these practices were extended to the Saar, in 1938 to Austria and in 1939 to the Czechoslovakian Protectorate.

3. Emigration from Germany and German-controlled territory was encouraged, usually after property had been confiscated and all possibility of making a livelihood in Germany withdrawn. Even before the outbreak of war, however, there were already examples of the expulsion of Jews as, for example, 400 families expelled from Burgenland after the annexation of Austria and in November, 1938, 15-16,000 Polish Jews living in Germany who were taken to the Polish border and there left to their own devices.

B. 1939-1945

4. After the outbreak of the war, anti-semitism spread to the areas which came under the influence of the Germans and, with slight variations, the programme of plundering, uprooting, exploiting and exterminating which was practised in Germany was applied throughout occupied Europe.

5. From 1939 to 1941, the general trend of the German anti-semitic policy was to subject Jews to recurrent removals by deportations, transfers, purges and concentrations into one area, preventing them from settling or acquiring roots anywhere. But certain distinct lines of population transfers may be noted.

6. The general move was towards the east and when, in 1939, Germany occupied Western Poland, large numbers of Jews were expelled from that area along with Poles and transferred to the territory known as the *Gouvernement Général*. The areas in which they were to be resettled were special regions as, for example, the Lublin reserve which received deportees from Germany, Austria and Moravia who were transferred with a small amount of luggage and very little money. It is estimated that from 1939/40 over 300,000 Jews from Western Poland (*i.e.* half the total Jewish population of that area) were deported to the *Gouvernement Général*. A further quarter million from this area escaped at this time to Eastern Europe including Rumania, Hungary and the Baltic States.

7. It is noteworthy, however, that deportations from the industrial Warthegau and Upper Silesia were less frequent, since manpower was required in those areas for the German war machine.

8. In 1942 mass deportations to Eastern Europe took place from France and the Low Countries but there was also a move in the opposite direction of Jews from Albania and South Western Germany who were transported to the French frontier and there abandoned.

9. Although Nazi policy demanded the expulsion from professional and productive work of all Jews, there is evidence that from 1941 onwards, deportations were to a certain degree halted and Jews were used for bolstering German manpower, especially in unskilled jobs, although some were, in fact put into higher grade work (Reichsarbeitsblatt of 25 February, 1941).

10. The age limit for deportations from Germany and Western Poland was fixed in 1942 at 65 years and from France at 60 years.

11. Jews in the Bohemia Moravia Protectorate were generally not sent abroad but gathered together in the Teresin concentration camp. Similarly those who stayed in Rumania when that country joined the German invasion of the U.S.S.R. in 1941 were concentrated into large ghettos in Rumania with the intention of being transferred to the east at a later date.

12. In Hungary, where in 1941 the Jewish population was estimated at 743,000, laws were passed curtailing employment possibilities and expropriating the property of Jews. From the eligibility point of view, moreover, it is noteworthy that no Jews were accepted as volunteers for the Hungarian Army unless their immediate relatives had distinguished themselves in some sphere of Hungarian public service.

13. Further east the tendency was for all persons of Jewish origin to flee before advancing German armies to Soviet occupied territory. After September 1939 it is estimated that 200,000 Jews from Eastern Poland left for Russia and large numbers likewise left Rumania in 1941.

14. It is estimated that the total number of Jews deported by the Germans either to countries outside their country of nationality or transferred within their own country exceeds one million, while the number who may be described as evacuees, fugitives and emigrants during the war years is estimated at considerably over two million.

15. The treatment of these uprooted masses falls mostly into three categories *i.e.* transfer to ghettos, conscription for forced labour or internment in concentration camp.

16. Ghettos were set up chiefly in Rumania and Poland where the first known ghetto was established in Lodz 1939/40. Others were later set up in the Warthegau and Gouvernement Général. In 1941, it was stated that in the Gouvernement Général area alone 11 ghettos holding a population of 1,300,000 persons existed and in the following year Warsaw, probably the largest of them all, was estimated to have a population of half a million. In that same year, it was stated that the Gouvernement Général included 13 ghettos and 42 Jewish towns in which all Jews must live unless their employment in war industry or in closed labour camps necessitated their absence.

17. Forced labour camps were established wherever there was need of supplementary manpower and in Germany, for example, men from the ages of 18-65 and women from 20-55 were subject to forced labour. Conditions of these workers were more severe in Poland and treatment more harsh. In 1941, it was estimated that there existed 85 camps of this nature for Jewish workers only.

18. The Teresin camp previously referred to was capable of holding up to 60,000 persons and was a combined labour and concentration camp.

19. Amongst the concentration camps, the most notorious were Oswiecim (Auschwitz), Treblinka, Chelmno, Belzec and Sobibor in Poland, Jasenovad in Yugoslavia, Bergen Bejsen, Ravensbrück and Dachau in Germany and others in which thousands were exterminated. The camps were used by the Germans to house unwanted elements of all descriptions. Some of the prisoners were selected to keep "discipline and order"

and frequently they committed more atrocities than the S. S. Guards in the camp. The commonest type of disciplinary office holders in the camps were the professional criminals, the "Berufsverbrecher" or "Schwerverbrecher" known in the language of the concentration camps as the "BV" or "SV" or the "green ones" because the distinguishing badge on their garments was a green triangle in contrast to that worn by the Häftlinge or political prisoners, a red triangle. (Racial prisoners wore a red badge and sexual prisoners a violet one). The hierarchy of disciplinary office holders in these camps was as follows: In each camp there was a camp senior or Lagerälteste (or Capo) responsible to the S.S. for the discipline of the camp. There was also a deputy or Stellvertreter. Each block or hut was in general charge of a Block Senior or Block Älteste, with a deputy, and within the huts were minor functionaries called Studendienst, each of whom was responsible for fifty people.

C. POST-WAR

20. After the cessation of hostilities, certain trends in the movement of the displaced Jewish populations have been quite clearly defined. The majority of evacuees, who sought asylum in Russian-occupied territory immediately after the outbreak of war, have in general been repatriated, especially to Eastern European countries and together with those who remained in Central and Western Europe they have participated in large-scale movements southwards through Austria and Italy towards Palestine or individually, where facilities existed, to resettlement countries in the West.

21. During 1945-46, small groups of concentration camp victims were received by Sweden and Switzerland, for periods of recuperation, by agreement between the Governments of those countries and various voluntary and official agencies.

22. Two years after the war, however, it was estimated that approximately 440,000 Jewish refugees and displaced persons still remained in Europe and the U.S.S.R.

23. The figures of Jewish refugees receiving IRO assistance show that 74,000 approximately were in receipt of care and maintenance and a further 14,000 receiving other forms of assistance through the Organisation on 30 March, 1949. The majority of these refugees are from Poland and are located at present in the U.S. Zone of Austria and Germany, which together account for a total of approximately 52,000 persons.

D. ELIGIBILITY STATUS OF ABOVE GROUPS

24. The status of war victims and pre-war Jewish refugees has been discussed under Sub-Section A para. 1 (a) and para. 3 of the Manual and no further details are considered necessary in this section.

25. The status of members of post-war movements is a little more difficult and will be dealt with herein. As stated in various correspondence on the subject, there are a number of factors which must be kept in mind when interviewing Jewish refugees:

(a) A Jewish refugee as any other must produce some evidence that he is a *bona fide* refugee within the mandate of IRO.

(b) While this evidence may differ in degree because of the knowledge that there is anti-Jewish feeling in some countries, the applicant must make it plausible why he does not wish to return, even though the Organisation may not require him to produce evidence of the exact persecution which he as an individual fears. The mere desire to go to Palestine or elsewhere is not considered acceptable as a valid objection.

(c) It should also be remembered that the communist politics to which persons may have valid objections cover economics as well, and therefore though economic objections in the sense merely of inability to earn a living or because of a dislike of facing the economic rigours of reconstruction are not normally valid, they may be evidence of a well-founded political objection that may be regarded as valid.

(d) It should again be mentioned that in addition to persecution, fear of persecution and political objections to returning to a given country, compelling family reasons may be invoked by persons who fall under Sub-Section A para. 1 (a), of the IRO Constitution.

(e) On the other hand when persons have left their country of nationality or former habitual residence with all plans made, such as passports, visas, travel arrangements and after settlement of business affairs, a presumption arises which implies that the individuals should be regarded as emigrants rather than *bona fide* refugees and displaced persons as defined by the Constitution. However, such a presumption may be rebutted by an expression of valid objections. These objections cannot normally be considered as valid if or insofar as they are on political grounds because a political dissident would not normally be acting consistently if he in fact availed himself of the protection of this government; they can normally only be valid if they are based on fear of religious or racial persecution or compelling family reasons based on previous persecution.

CHAPTER XXIV

MILITARY AND PARA-MILITARY ORGANISATIONS

A. GERMAN SS — SCHUTZSTAFFEL (PROTECTION SQUAD)

1. The function of the SS was to guarantee the security of the Reich and the Nazi Party. It was divided into two main forces :

(a) *The Allgemeine SS (General SS).*

The Allgemeine SS was organised into various protection units and the S. D. Sicherheitsdienst (Security Police) was under its command. The functions of these units were to protect certain Reich commitments, for example :

- (i) The SS Funkschutz protected radio installations.
- (ii) The SS Postschutz protected post and telegraph services.
- (iii) The SS Bahnschutz protected railway installations.

From 1940 on the ranks of the Allgemeine SS were opened to Belgians (Flemish), Dutchmen, Danes and Norwegians, as well as many other foreign workers who were induced to join, providing they could fill the high physical and ideological requirements. Special sections were established to deal with the different national groups. One of the main objects of these formations was to spread Nazi ideas in their own countries and amongst their own people.

(b) *The Waffen SS.*

The German Waffen SS was a fully militarised force whose members volunteered for service for the duration of hostilities. The recruiting for the Waffen SS was done through the Headquarter units of the Allgemeine SS. It was organised into a number of divisions which were usually given such names as SS Division "Prinz Eugen" and SS Division "Hitler Jugend" (see Chapter XXV on German Order of Battle). In addition certain foreign divisions were recruited, such as the Latvian SS Legion, the Estonian SS Legion and the Ukrainian SS Legion. These foreign units wore the Waffen SS uniform (field grey with black tabs) with the national emblem on the left sleeve. The nomenclature of ranks of the SS were different from that of the Wehrmacht (see Chapter XXVI).

2. *Miscellaneous SS Legions.*

After the occupation by Germany of most of the countries of Western Europe a systematic campaign was inaugurated by Nazi propagandists designed to cause dissension within the countries thus occupied. The purpose of such a policy is obvious. By creating dissension they were able to gain adherents from amongst the disgruntled elements of the occupied countries. These persons became members of the Quisling governments and volunteers for the numerous foreign SS legions which became part of the German Army.

For example, the Flemish sections of Belgium were set against the Wallons, and as a result of the conflicts which arose because of the clever Nazi propaganda, a large number of Flemish volunteers joined the Fifth SS Panzer Division. It will be noted from Section 2 below on the German Order of Battle, that this Division also had Scandinavian and Dutch volunteers.

When interviewing miscellaneous Western nationals who may be found in Germany or Austria, it must be borne in mind that some Frenchmen, Luxembourgers, Belgians, Dutch, Danes, Norwegians and Finns were volunteers in the various national legions which were established by the Germans. A careful interview should be conducted to ascertain that such persons were not, in fact, members of these SS units. This may be done in part by checking with the 7771 Document Centre in Berlin where the files of all SS personnel are held and by looking at Polizei-Amt registrations as to nationality as many of these persons were given German citizenship as a result of their services to the Reich. (For details regarding these Legions see Chapter xxv).

B. O.T. — ORGANISATION TODT

3. The Organisation Todt (commonly known as Organisation Tod (death) because of its consumption of human material) was partly an off-shoot of the R.A.D. (Reichsarbeitsdienst), State Work Committees. It recruited a number of its German personnel from that Organisation, a certain number of young conscripts being allocated by it to the Organisation Todt.

4. Originally in charge of building the Reichsautobahn and later the Siegfried Line, it consisted of a technical and administrative Staff dealing with civilian contractors for *individual tasks*. Later when shortage of machinery and material increased the O.T. had its own supply departments with high requisitioning authority. Furthermore when labour had to be supplied to the contractors, a system of forced labour camps was brought into operation. Later armed guards for camps, work places and stores were also created.

5. The Organisation Todt included three categories :

- (a) Officers and "members" wearing uniforms (with a red Swastika armband for Germans and a grey ribbon with "Org. Todt" for Non-Germans).
- (b) The O.T. Guard Units, wearing uniforms and black shoulder flashes (epaulettes), gasmask, steel helmets and rifles. They were Danes, Italians, Poles, etc. Both this and the above group were given the status of Wehrmacht in 1942.
- (c) The most numerous groups were forced labourers, who were in O.T. Camps and may sometimes hold O.T. Camp Cards or Pay records or letters showing a Feldpost address. They were *not* members but rather prisoners of the O.T., not entitled to uniforms and arms. They may have been issued with wooden shoes and drill suits and their wages were low, not exceeding one mark per hour.

6. After the death of Dr. Todt the Organisation came under the control of Alfred Speer, who, not to be outdone by his predecessor instituted a Corps of Engineers. For this purpose he recruited young men who had undergone the necessary training from amongst the subjugated nations. Baltic, Polish, Ukrainian and Russian technical personnel were enlisted in the corps by the promise of high wages, smart uniforms and a position of trust. The letters S.P. appeared on the collar of the uniform tunic worn by these engineers.

C. D.A.F. — DEUTSCHE ARBEITSFRONT (THE GERMAN LABOUR FRONT)

7. The D.A.F. was a labour organisation in a very limited sense because membership was virtually compulsory for all German workers. It was the largest Nazi Organisation

in so far as numerative strength of members was concerned and direct membership was only given to German nationals.

8. However, when importing voluntary workers to Germany the party formed a number of foreign workers associations which were under the supervision of the D.A.F. For example, there was "Die Ukrainischer Hilfskomitet" or "Ukrainischer Haupt-Ausschuss im Gouvernement Général". Each had as their main office Berlin with branch offices in Poland and Ukrainia.

9. The D.A.F. emblem consisted of a swastika surrounded by a cogged wheel outline.

D. ELIGIBILITY STATUS OF THE ABOVE GROUPS

10. Waffen SS.—Members of this Organisation are outside the mandate of IRO except in the case of members of foreign SS units who can make it plausible that they were conscripted.

11. Members of Organisation Todt who were Officers or Guards are *prima facie* outside the mandate of the Organisation. The prisoners or workers are *prima facie* within the mandate, other factors being equal.

12. Members of the D.A.F. were, as is mentioned above, usually voluntary workers. If the nature of their work was such that it might be construed as voluntary assistance to the enemy, they would then fall outside the mandate of IRO.

CHAPTER XXV

GERMAN ORDER OF BATTLE

A.

The following information has been extracted from the "Order of Battle of the German Army", a booklet published by the United States Government. The more important armies, corps and units are listed herein in the event that such information may be of value to the field Eligibility Officer in the course of the eligibility interviews. As mentioned above, it is not intended to be complete but lists only the more important units which may be encountered.

B. SS PANZER ARMY AND PANZER CORPS

First SS Panzer Army.

Formed under SS-Ogruf. Paul HAUSSER in northern Italy in the autumn of 1943 by upgrading the II SS Pz Corps. Existed only for a short time and then reverted to corps status.

Sixth SS Panzer Army.

Commander : SS.-Obstgrf. u. Genobst. der Waffen-SS Josef ("Sepp") DIETRICH

(53).

C. of S : SS-Brigf. und Genmaj. der Waffen-SS KRAEMER.

Formed in the vicinity of NW Germany in autumn 1944, in charge of refitting Panzer Divisions withdrawn from France in preparation for new operations.

I. SS Panzer Corps (SS Panzer-Korps "Leibstandarte-SS Adolf Hitler").

Commander : SS-Gruf. u. Genit. der Waffen-SS Herman PRIESS (44).

Formed in Germany in 1942. Early in 1944 assumed control of the 1st and 12th SS Pz Divs. Took part in Ardennes counter offensive in December 1944, withdrew in January 1945; believed en route to the eastern front.

II. SS Panzer Corps.

Commander : SS-Ogruf. u. Gen. der Waffen-SS Willi Bittrich (51).

Formed in Germany in May 1942. In Autumn of 1944 refitted under the Sixth SS Panzer Army in NW Germany. Withdrew from Ardennes in January 1945, believed en route to the eastern front. Probably controls the 2nd and 9th SS Divs.

III. SS. Panzer Corps (III. (germanisches) SS Panzer-Korps).

Commander : SS-Ogruf. u. Gen. der Waffen-SS Felix STEINER (49).

Formed in April 1943 to control training and subsequent operations of the new Scandinavian and Dutch SS Divisions. Subsequently stationed in Croatia from September 1943 to following December, when transferred to the northern sector of the Eastern front. On the Latvian coast in January 1945.

IV. SS Panzer Corps.

Commander : SS-Ogruf. und Gen. der Waffen-SS Herbert GILLE (48).

C. of S : SS-Ostbf. Manfred SCHONFELDER (33).

Formed in France in the summer of 1943 to control SS Panzer Divisions forming at that time. In January 1945 engaged in SW Hungary.

V. SS Mountain Corps.

Commander : SS-Ogruf. Gen. der Polizei u. der Waffen-SS Friedrich Wilhelm KRÜGER (51).

C. of S : SS-Ostbf. Baldur KELLER (?) (33)

Formed in Yugoslavia in the summer of 1943. Controls the 7th SS Mtn. Div. and regular army units. Continuously engaged against partisans. Transferred northward late in 1944, possibly to Germany.

VI. SS Infantry Corps (VI. SS-Freiwilligen-Armee Korps).

Commander : SS-Ogruf. u. Gen. der Waffen-SS Walter KRÜGER (55).

Formed in Latvia in April 1944 to control Latvian SS Divisions. Subsequently continuously engaged on the northern sector of the eastern front. Believed to be on the Latvian coast in January 1945.

VII. SS Panzer Corps.

Commander :

In existence in October 1944.

IX. SS Mountain Corps (IX. Waffen-(Gebirgs-) Korps-SS (Kroatisches)).

Commander : SS-Ogruf. Gen. der Polizei u. der Waffen-SS Karl. v. PFEFFER-WILDENBRUCH (56) (PW).

Formed in Croatia in the summer of 1944 to control newly formed Albanian and Croatian SS Divisions. Subsequently engaged against partisans. Late in 1944 transferred to Hungary, where it was responsible for the defense of Budapest in December 1944 and January 1945.

XI. SS Infantry Corps.

Commander :

In Southern Poland in December 1944.

XII. SS Infantry Corps.

Commander : SS-Ogruf. u. Gen. der Waffen-SS. Gen. der Inf. Gunther BLUMEN-TRITT.

Appeared on the western front in the autumn of 1944. Controlled Army units in the Aachen area.

XIII. SS Infantry Corps.

Commander : SS-Gruf. u. Genlt. der Waffen-SS Max SIMON (46).

C. of S: Oberst i.G. v. EINEM (reported as SS-Oberf.) (?).

Also reported as a Panzer Corps.

Probably began forming in Breslau in August 1944. Transferred to the western front in the autumn of 1944 to take charge of units engaged in eastern France. In the Saar area in January 1945, controlling 17th SS Pz. Gren. Div. and associated Army divisions.

XIV. SS Corps.

Commander : SS-Ogruf. Gen. der Polizei u. der Waffen-SS Erich von dem BACH-ZELEWSKI (46).

On the western front in the Strasbourg area in January 1945.

XVIII. SS Corps.

Commander : SS-Gruf. Genlt. der Polizei u. der Waffen-SS. Heinz REINEFARTH (42).

On the western front in the Mulhouse area in January 1945.

C. SS DIVISIONS

1st SS Panzer Division (I. SS-Panzer Division "Leibstandarte—SS Adolf Hitler").

Commander : SS-Oberf. Wilhelm MOHNKE (34).

Formed early in 1941 as a motorized division. Heavily engaged in Balkans in Spring 1941, eastern front summer 1941. Summer 1942 transferred to northern France and reformed as Panzer Division. March 1943 in Kharkov; summer 1943 transferred to Italy; autumn 1943 returned to eastern front. Spring 1944 transferred to Belgium, January 1944 to Normandy and withdrawal from France. December 1944 in Ardennes offensive and in January 1945 withdrew. Possibly en route to the eastern front.

2nd SS Panzer Division (2. SS-Panzer Division "Das Reich").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Heinz LAMMERDING (40).

Formed in winter of 1940-41 as motorized division from two regiments of former SS-Verfügungs-Division, and motorcycle regiment "Langemarck", composed partly of Germanic volunteers. Served in the Balkans, France, Russia. In autumn 1944 withdrew to NW Germany for rest and refitting under Sixth SS Pz Army. In reserve in Aachen area. December 1944 took part in Ardennes counter offensive. January 1945 withdrew from the Ardennes area; possibly en route to the eastern front.

3rd SS Panzer Division (SS-Panzer Division "Totenkopf").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Helmuth BECKER (43).

Formed in October 1939 as motorized division mainly from guard units of concentration camps. November 1942 transferred to France and reorganized as Panzer division (at first designated SS-Panzer-Grenadier-Division). December 1944 transferred from Warsaw to Hungary. Took part in German counter attack west of Budapest.

4th SS Panzer Grenadier Division (4. SS-Polizei-Panzer-Grenadier-Division).

Commander : SS-Standf. Walter HARZER (32).

Formed in Germany in October 1939 from members of German Police. Served in France, Russia and in May 1932 in Protectorate of Bohemia and Moravia and in Gouvernement General. Performed security duties. In summer 1943 transferred to Greece; September 1944 transferred to Serbia; November 1944 transferred to Hungary.

5th SS Panzer Division (SS-Panzer Division "Wiking").

Commander : SS-Standf. Rudolf MÜHLENKAMP (35).

Formed in December 1940 as motorized division from "Germania" Regt. of SS-Verfügungs-Division and two regiments of Scandinavian, Dutch and Flemish volunteers. Subsequent replacements drawn from Volksdeutsche from the Balkans and from Germanic volunteers. Summer 1942 in the Caucasus. Subsequently reformed as Panzer division (at first designated SS-Panzer-Grenadier-Division). December 1944 transferred to Hungary. Took part in German counter attacks west of Budapest.

6th SS Mountain Division (6 SS Gebirgs-Division "Nord").

Commander : SS-Gruf. Genlt. der Polizei u. der Waffen-SS Karl Heinrich BRENNER (50).

Formed in spring 1941 in Austria as mountain division, including many Volksdeutsche. June 1941 transferred to Finland. Almost continuously on the front in northern Finland. Autumn 1944 transferred to the western front. January 1945 engaged in the Saar area.

7th SS Mountain Division (7. SS-Freiwilligen-Gebirgs-Division "Prinz Eugen").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Otto KUMM (36).

Formed in spring 1942 as mountain division consisting mainly of Volksdeutsche from Yugoslavia and Rumania. In northern Serbia. Late 1944 elements of 21 Waffen-

Gebirgs-Division-SS "Skanderbeg" (Alban. nr. 1) believed incorporated and name "Skanderbeg" given to SS Mtn. Inf. Regt. 14.

8th SS Cavalry Division (8. SS-Kavallerie-Division "Florian Geyer").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Joachim RUMOHR (35).

Originally contained two brigades comprising SS Cav. Regts. 15, 16, 17, 18. Two of these regiments possibly now part of 22 Freiwilligen-Kavallerie-Division SS (ungarisch). December 1944 elements encircled at Budapest. Probably suffered very heavy losses.

9th SS Panzer Division (9. SS-Panzer-Division "Hohenstaufen").

Commander : SS-Oberf. Sylvester STADLER (35).

Formed in early 1943 in NE France as a Panzer Division, but at first carried the designation Panzer-Grenadier-Division. Served in France and Tarnopol area. February 1945 withdrew from Ardennes, possibly en route to the eastern front.

10th SS Panzer Division (10. SS-Panzer-Division "Frundsberg").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Heinz HARMEL (39).

Formed in winter 1942-43 in SE France as sister unit to SS-Panzer-Grenadier-Division "Hohenstaufen". At first designated SS Panzer-Grenadier-Division "Karl der Grosse". Served in France and Tarnopol area; also Holland and Aachen. January 1945 transferred to the Saar area. Subsequently engaged in Alsace.

11th SS Panzer Grenadier Division (11. SS-Freiwilliges-Panzer-Grenadier-Division "Nordland").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Joachim ZIEGLER (41).

Formed in summer of 1943 in Germany as motorized division around the nucleus of "Nordland" Regt. of SS Division "Wiking". Consists partly of Norwegian and Danish volunteers and partly of Volksdeutsche from the Balkans. August 1944 heavy engagements at Narva bridgehead; October 1944, withdrew to Latvian coast.

12th SS Panzer Division (12. SS-Panzer-Division "Hitlerjugend").

Commander : SS-Standf. Hugo KRAAS (34).

Formed in summer 1943 in Belgium as a Panzer Division. Consisted largely of recruits from military fitness camps of the Hitler Youth and of cadres from SS-Panzer-Division "Leibstandarte-SS Adolf Hitler". Remained in Belgium. Served principally as training unit for other SS divisions. January 1945 withdrew from the Ardennes area. Possibly en route to the eastern front.

13th Mountain Division (13. Waffen-Gebirgs-Division-SS "Handschar") (Kroatische Nr. 1).

Commander : SS-Brigf. u. Genmaj. der Waffen-SS HIMPEL.

In spring 1943 began forming as mountain division with Bosnian, Moslem and Croat volunteers and probably cadre from SS-Freiwilligen-Gebirgs-Division "Prinz Eugen". At first called "BH" (Bosnian-Herzegovinian) Division. Many Moslems and some Christians from Croat National Army were forced into division when recruiting of volunteers lagged. Personnel considered very unreliable and subject to desertion. Served in France, Lower Silesia, Austria and in January 1944 transferred to Slovenia. In December 1944 transferred to the southern Hungarian Sector of the eastern front.

14th SS Infantry Division (14. Waffen-Grenadier-Division-SS (Galizische Nr. 1)).

Commander SS-Brigf. u. Genmaj. der Waffen-SS Fritz FREITAG.

Formed in April 1943 from Ukrainian volunteers and German and Austrian officers and NCOs. Trained in Galicia. Served on the eastern front in Poland and in July 1944 transferred to Germany for reforming. January 1945 in southern Poland.

15th SS Infantry Division (15. Waffen-Grenadier-Division-SS (Lettische Nr. 1)).

Commander : SS-Oberf. Nikolaus HEILMANN (42).

Formed in August 1943 as infantry division from Latvian volunteer and police battalions containing only a few German officers and NCOs. Served on eastern front, possibly in Germany or Latvia and in January 1945 possibly on Latvian coast.

16th SS Panzer Grenadier Division (16. SS-Panzer-Grenadier-Division "Reichsführer-SS").

Commander : SS-Oberf. Otto BAUM (34).

Formed in October 1943 in Slovenia as Panzer Grenadier Division by expansion of assault brigade of same name, which had been engaged in Corsica. Served in Hungary, Anzio Beachhead and in July 1944 entire division on the Italian Front. Continuously engaged. Absorbed SS-Panzer-Grenadier-Lehr-Regiment.

17th SS Panzer Grenadier Division (17. SS-Panzer-Grenadier-Division "Götz von Berlichingen").

Commander : SS-Standf. Fritz KLINGENBERG (33)?

Formed in October 1943 in western France as Panzer Grenadier Division, including numerous Belgians and Rumanians. Took part in Battle of Normandy. September 1944 refitted in France. Incorporated 49th and 51st SS Pz. Gren. brigades, which had moved to France from Denmark and were intended to form new 26th and 27th SS Pz Divs. Autumn 1944 engaged in eastern France and in January 1945 on the western front, Saar area.

18th SS Panzer Grenadier Division (18. SS-Freiwilligen-Panzer-Grenadier-Division "Horst Wessel").

Commander : SS-Standf. Wilhelm TRABANDT (34).

Formed in spring 1944 in Hungary by expansion of 1st Mts. Inf. Brig. which had been continuously engaged on the eastern front since 1942. July 1944 transferred to eastern front, central sector. In southern Poland. October 1944 transferred to Slovakia, engaged against partisans.

19th SS Infantry Division (19. Waffen-Grenadier-Division SS (Lettische Nr. 2)).

Commander SS-Gruf. u. Genlt. der Waffen-SS Bruno STRECKENBACH (43).

Formed in March 1944 on northern sector of eastern front from 2nd Latvian SS Volunteer Brig. which had been on the northern sector since winter of 1943-44. Heavily engaged. December 1944 on Latvian coast.

20th SS Infantry Division (20. Waffen-Grenadier-Division-SS (Estonische Nr. 1)).

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Franz AUGSBERGER.

Formed in December 1943 on the central sector of the eastern front from Estonian SS Brig. which had been on the central sector since October 1943. Subsequently transferred to the northern sector. October 1944 possibly transferred to Germany and December 1944 transferred to the central sector of the eastern front.

21st Mountain Division SS (21. Waffen-Gebirgs-Division-SS "Skanderbeg" (Albanische Nr. 1)).

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Auguste SCHMIDHUBER (44).

Formed in the Balkans in summer 1944. Consisted of Albanian personnel, considered unreliable. Believed disbanded and most of personnel absorbed by 14th Mtn. Inf. Reg. of 7th SS Mtn. Div.

22nd SS Cavalry Division (22. Freiwilligen-Kavallerie-Division-SS (Ungarisch)).

Commander : SS-Brigf. u. Genmaj. der Waffen-SS August Zehender (42).

Believed organized along similar lines to 8th SS Cav. Div. and possibly to have taken over two cavalry regiments from that division. These regiments carried two of the three numbers 15, 17, and 18. Summer? 1944 formed in Hungary. December 1944 elements encircled at Budapest. Probably suffered very heavy losses.

23rd SS Mountain Division (23. Waffen-Gebirgs-Division-SS "Kana" (Kroatische Nr. 2)).

Commander :

Formed in the summer of 1944 with Bosnian, Moslem and Croat volunteers and German cadres. Considered disbanded.

24th SS Mountain Division (24. Waffen-Gebirgs-Karstjäger-Division-SS).

Commander :

Formed in autumn 1944 in Italy in the Istrian by expansion of the Karstjäger Bn (known as Karstwehr Bn in late 1943) of the Waffen-SS. Reported staffed by Austrian officers from 7 SS-Freiwilligen-Gebirgs-Division "Prinz Eugen". May include many Italians.

26th SS Panzer Division (26. SS-Panzer (?) Division ("Hunyadi"?)).

Commander :

An unsuccessful attempt was made to form division of the number from 49th SS Pz Gren. Brig. in September 1944. Subsequently division began to be formed in NW Germany, probably with troops from SS Pz Brig. "Gross" (disbanded in November 1944) and young personnel evacuated from Transylvania.

27th SS Panzer Grenadier Division (27. SS-Freiwilligen-Panzer-Grenadier-Division "Langemarck").

Commander :

An unsuccessful attempt was made to form division of this number from 51st SS-Pz Gren. Brig. in September 1944. Subsequently the number was given to SS-Freiwilligen Sturmbrigade "Langemarck" in autumn of 1944. This brigade, activated in the autumn of 1943, had distinguished itself on the eastern front in the spring of 1944.

28th SS Panzer Grenadier Division (28. SS-Freiwilligen-Panzer-Grenadier-Division "Wallonien").

Commander : SS-Stunbf. Leon DEGRELLE.

Personnel mainly Belgian, including prisoner of war volunteers. Formed in Summer 1944 in Silesia by expansion of 5 SS-Freiwilligen-Sturmbrigade "Wallonien" which had fought on the eastern front and suffered heavy losses in Korsun encirclement. Late autumn 1944 transferred to the Hannover area. December 1944 transferred to the Bonn area.

29th SS Division (29. SS-Division).

Commander :

October 1944 : Possibly on the eastern front, central sector, Warsaw area.

30th SS Infantry Division (30. Waffen-Grenadier-Division SS (2. Russische)).

Commander : SS-Ostbf. u. Obst. der Sch. Hans SIEGLING ? (33).

Formed in summer 1944 mainly of Soviet personnel, probably with police experience and small proportion of former German police. Served in France and Germany. December 1944 withdrew east of the Rhine.

31st SS Infantry Division (31. Waffen-Grenadier-Division-SS).

Commander :

Believed formed in the Balkans in September 1944. December 1944 in SW Hungary.

SS Division "Charlemagne" (SS-Freiwilligen-Division "Charlemagne").

Commander : (SS-Brigf.?) Gen. PUACX ?

Not to be confused with former SS Pz Gren. Div. "Karl der Grosse", which was redesignated 10th SS Pz Div. "Fruntsberg". Probably formed in December 1944 at Wildflecken manœuvre area by expansion of former Waffen-Grenadier-Sturmbrigade der SS "Frankreich" formed near Prag in spring of 1944. Consists largely of French and other foreign personnel. January 1945, possibly in western Germany.

D. SS BRIGADES

2nd SS Assault Brigade (2. SS-Sturmbrigade).

Commander : SS-Oberf. Dr. Oskar DIRLEWANGER ? (50).

Formerly Sonderkommando "Dirlewanger", a penal unit.

Autumn 1944, eastern front, central sector, as SS-Sturmbrig. "Dirlewanger". Engaged in Warsaw area. Believed subsequently redesignated 2. SS-Sturmbrigade. January 1945 possibly transferred to Hungary.

4th SS Panzer Grenadier Brigade (4. SS-Freiwilligen-Panzer-Grenadier-Brigade "Nederland").

Commander : SS-Brigf. u. Genmaj. der Waffen-SS Jürgen WAGNER (44).

Formed in Germany in autumn 1943, mainly from Dutch personnel. Believed to have incorporated 2nd SS Mtz Brig. which had been on the eastern front during first half of 1943. November 1943 in Yugoslavia. December 1944, on Latvian Coast.

SS Italian Infantry Brigade (Waffen-Grenadier-Brigade SS (Italienische Nr. 1)).

Commander : SS-Standf. Constantin HELDMANN.

Autumn 1944 began forming, possibly as part of an Italian SS Division. Personnel may be attached in small groups to other units.

A. COMPARATIVE RANKS

U.S. Army	Waffen-SS	German Army
General	General	General
Major General	Major General	Major General
Colonel	Colonel	Colonel
Major	Major	Major
Captain	Captain	Captain
First Lieutenant	First Lieutenant	First Lieutenant
Second Lieutenant	Second Lieutenant	Second Lieutenant
Private	Private	Private

CHAPTER XXVI

COMPARATIVE WAFFEN SS RANKS WITH WEHRMACHT,
BRITISH AND U.S. ARMY EQUIVALENT RANKS AND
TATTOO MARKS

A. COMPARATIVE RANKS

Waffen SS or SS Legion Rank	Wehrmacht	British Army	U.S. Army
Schutze (Grenadier etc.)	Schutze (Gren. etc.)	Private, etc.	Private, etc.
Oberschutze	Oberschutz	Sen. Private	Sen. Private
Sturmann	Gefreiter	Jr. L./Corporal	Pfc.
Rottenführer	Obergefreiter	Sen. L./Corporal	Pfc.
Unterscharführer	Unteroffizier	Corporal	Corporal
Junker	Fahnenjunker Uffz	Officer candidate	—
Scharführer	Unterfeldwebel	L/Sergeant	Sergeant
Standartenjunker	Fahnrich	Officer Cadet	Mil. Academy Cadet
Oberscharführer	Feldwebel	Sergeant	Sergeant
Hauptscharführer	Oberfeldwebel	Staff Sergeant	Staff Sergeant
Standartenoberjunker	Oberfahnrich	Snr. Officer Cadet	—
Sturmscharführer	Stabsfeldwebel	Staff Sgt. Major	Master Sergeant
Stabsscharführer	Hauptfeldwebel	Sgt. Major	Warrant Officer

Officers

Untersturmführer	Leutnant		2nd Lieutenant
Obersturmführer	Oberleutnant		Lieutenant
Hauptsturmführer	Hauptmann		Captain
Sturmbannführer	Major		Major
Obersturmbannführer	Oberstleutnant		Lieut. Colonel
Standartenführer	Oberst		Colonel
Oberführer	General Major	Brigadier	Brigadier General
Brigadeführer	Generalmajor		Major General
Gruppenführer	Generalleutnant		Lieut. General
Obergruppenführer	General		General
Oberstgruppenführer	Generaloberst	Field Marshal	General (with 5 stars)

The following titles and abbreviations were used to denote technical and professional functions :

SS Bewerber—SS Candidate.
SS Führer Bewerber—SS Officer Candidate.
F (Fachführer)—Specialist.
KS (Kraftfahr Sachverständiger)—M.T. Specialist.
HKS (Höherer Kraftfahr Verständiger)—Snr. ditto.
F.R.A. (Reserve Führeranwärter) Res. Officer designate SS.
T.U.F.W. (Technischer Unterführerwaffenwesen) Tech NCO Ordinance Branch.
T.F.K. (Technischer Führerkraftfahrwesen) Technical Officer MT.
T.F.N. (Technischer Führernachrichten)—Technical Officer Signals.
T.F.W. (Technischer Führerwaffenwesen)—Technical Officer Ordinance.
T.F.W. (ing) (Technischer Führerwaffenwesen)—Technical Officer Engineers.

B. TATTOO MARKS

1. Tattoos. Tattoos which will be of value to the Field Eligibility personnel will fall normally in three categories which will be described below. The Nazi Government as a result of its desire to categorize as far as possible all of its manpower, instituted the system of tattooing whereby the elite could be differentiated from the normal personnel as well as from the undesirable.
2. The various tattooing marks and their purposes were as follows :
 - (a) Concentration camp victims had a number tattooed on the left forearm. This number corresponded to certain case histories which were to be found in the SS records. All concentration camp victims did not have a number tattooed on their arm since its presence or absence depended on whether or not the administration of the particular concentration camp felt it expedient or had the necessary materials with which to carry out the tattooing.
 - (b) Members of the S.S. and the Waffen S.S. were tattooed with a blood mark underneath the left armpit. This blood group mark matched the blood group mark to be found on the S.S. persons filed at the S.S. Headquarters in Berlin. Again, whether or not an individual Waffen S.S. member had a blood group mark depended on the exigencies of the war and whether the facilities were available for tattooing. Frequently it occurred that persons who were conscripted in the latter days of the war were not tattooed because of the chaotic situation at that time.
 - (c) Some members of the S.S., and particularly those who had become members early in the Nazi regime were tattooed with the runic S.S. mark under the left armpit. After 1940 very few persons were thus tattooed unless they were members of Hitler's personal bodyguard or foreigners whose Nazi history was of long standing.

CHAPTER XXVII

WARTIME IDENTITY DOCUMENTS IN GERMANY

A. INTRODUCTION

1. The displaced persons and refugee problem (aside from pre-war refugees) in Germany, Austria and Italy, which is now the subject of international action, has arisen mainly because of the activities of the Nazi Government from 1933 to 1945.

Non Germans who came to the German Reich and its satellite Governments generally belonged to one of the eight following groups :

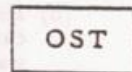
- (1) Slave labourers
- (2) Concentration Camp Victims
- (3) Volksdeutsche
- (4) Resettlers not of German origin
- (5) Collaborators
- (6) Volunteer workers and opportunists
- (7) Conscripts in German armed forces
- (8) Volunteers in German armed forces.

2. In a totalitarian country, such as Germany before and during the war, the number of controls established by it made it necessary for the average person to carry a number of identity documents. In such a state where activities not specifically forbidden were compulsory, people were invariably called upon to prove their identity and to show documents establishing their right to perform certain functions. Such documents took the form of Identity Certificates (Ausweis) and many certificates (Bescheinigungen). Documents in Germany, and of interest to field eligibility personnel, may be classified into approximately six groups :

- (a) Military Service Identity Documents
- (b) Para-Military Service Documents
- (c) Nazi Party Documents
- (d) Civilian Documents
- (e) Aliens and Alien Labour Documents
- (f) Friendly Aliens in Germany.

3. A careful examination of these documents may provide valuable clues to the corroboration of the stories of displaced persons and refugees. It should be borne in mind that to move about Germany, to exist in Germany and to even walk the street during the War it was a matter of real importance to have papers—if people lost documents they soon saw to it that they reported for the issue of duplicates—so beware of the person who can produce no documents. However, many people who were sent to Germany as forced labourers have very few documents, sometimes merely Work Cards (Arbeitskarte) and such documents were carefully preserved by the holders as their only proof of identity.

Many of these labourers were compelled to wear badges instead of being issued with documents such as those shown below for Polish, Ukrainian and Eastern Workers :



These persons were issued with temporary documents such as those mentioned in Sub-Section B para. 8 (d). Such persons were discriminated against to the extent that they were not permitted to enter places of amusement, to hold food cards (they were communally fed), to hold travel permits, to enter German stores and they were not paid a salary, merely a nominal wage.

B. INDIVIDUAL IDENTITY DOCUMENTS

4. MILITARY SERVICE IDENTITY DOCUMENTS.

(a) *Soldbuch (Army Book).*

(i) *Purpose.* This document was not properly a paybook as its name implies, because it contained only the rate of pay of the holder and not the amounts paid, excepting such payments that were made outside of his unit.

(ii) *Description.* This booklet contained twenty-four pages and was bound in light cardboard and was the most important document carried by German soldiers. On the cover appears the eagle and swastika emblem (Hoheitsabzeichen) and the words "Soldbuch zugleich Personalausweis" (Pay book and Identity Card). Variations of this document existed for the Air Force, Navy and Waffen SS; these are described under the items below. The contents of this book, in addition to showing rates of pay, showed all particulars of the soldier's service such as Units served in, inoculations, personal equipment issued, identity, rank, promotions with dates and a variety of other data pertinent to the soldier's services.

Note: Generally speaking the German Soldbuch was also issued to Poles serving in the Wehrmacht. Such persons were almost invariably on the Volkslisten. Those who voluntarily served in the Wehrmacht are excluded from IRO care, under Part II (b) of the Constitution.

(b) *Kennkarte nur für Fronteinsatz (statt Soldbuch).*

(i) *Purpose.* This document was an Identity Card replacing the Soldbuch referred to in (a) above and was only to be used in the front line. Its purpose was purely identification.

(ii) *Description and Regulations.* Printed on card, this document was issued in the place of the Soldbuch for reasons of security in the event of capture. The Soldbuch was withdrawn when a soldier was sent to the front line, and this card issued in its place. The front of the card bears the eagle and swastika emblem with the words "Kennkarte"—"nur für Fronteinsatz—statt Soldbuch—Nr. ". The inside of the card shows the identification particulars of the bearer, next of kin and blood group. It also bears the stamp of the Field Command Unit (Feld Stempel). It may be expected that deserters from the WEHRMACHT would only possess this card—particularly if they deserted from the front line.

(c) *Soldbuch Libretto Personale.*

(i) *Purpose.* This document was not properly a paybook because it showed only the rate of pay of the bearer and contained no records of individual payments. It was actually a record and identity book.

- (ii) *Description.* This booklet contained fourteen pages, was bound in light cardboard and was issued to Italians serving in the German Army. It was printed in German and Italian, the front cover did *not* show the eagle and swastika emblem but merely the words "SOLDBUCH zugleich Personalausweis Libreto Personale". This document was similar in other respects to that described in (a) above excepting that it contained less detail.
- (d) *Kennbuch (Army Pay Book).*
- (i) *Purpose.* This document has the same purpose as the Italian Soldbuch described in item (c) above.
- (ii) *Description and Regulations.* Bound in light cardboard, these booklets contained only eight pages which were not numbered.
- (e) *Kennbuch (Russian).* Issued to Russians serving in the Wehrmacht (such as Vlassov's Russian Liberation Army). The cover was blue-green in colour and endorsed in the top right hand corner with the word *RUSSE* and in the centre "KENNBUCH" with a printed translation in the Russian language. The size of the book was 11 × 15 cm and it was printed in German and Russian.
- (f) *Kennbuch (Ukrainian).* This book is similar to the Russian book, excepting that in the right hand corner of the front cover is printed "UKRAINIAN" and the translation of "KENNBUCH" in the centre is printed in Ukrainian. The book is printed in German and Ukrainian, and was issued to Ukrainians serving in the Wehrmacht.
- (g) *Kennbuch (Cossack).* Issued to certain of the old Russian cossacks drafted into the Wehrmacht, the cover was light brown in colour. In the top right hand corner was printed the word "KOSAK" and in the centre the word "KENNBUCH" with a Russian translation underneath. The book is printed in German and Russian and was the same size as item (e) above.
- (h) *Ausweis (Legitimaciya).* Issued to old Russian émigrés living in Serbia and elsewhere. The majority of the Rogozhin corps was in possession of these documents in 1941 and 1942. The Ausweis, printed on white paper, is of four pages 10³/₄ × 13¹/₂ cm in size, signed by SKORODUMOV as President and LANIN as Secretary of the "Vertrauenstelle für die Russische Emigration in Serbien" Belgrad, Kr. Natalie 33. The front page centre contains "Ausweis" in German and Russian. Second page is printed in Russian with the personal description of the holder and signature of issuing officials. The third page is printed in German, and contains a photograph of the holder together with his personal description, etc.
- (i) *Soldbuch—Kriegsmarine (Naval Pay Book).* This book is the same as the SOLDBUCH described in item (a) above, excepting that on the front cover the word "KRIEGSMARINE" is printed in addition. There are minor differences in the interior of the book which relates to Naval Service. The same purpose and regulations apply to this document as to the Soldbuch.
- (j) *Soldbuch Luftwaffe (Luftwaffe Pay Book).*
- (i) *Purpose.* The same as for SOLDBUCH shown in item (a) above.
- (ii) *Description and Regulations.* The cover was blue but occasionally brown and the corners rounded. On the cover, printed in black ink, the Albatross in flight holding the swastika in its claws (the Luftwaffe emblem) and the words "SOLDBUCH - ZUGLEICH PERSONAL AUSWEIS — LUFTWAFFE". Inside the cover was printed the "Ten Commandments for the Conduct of War" (10 Gebete für die KRIEGSFÜHRUNG). There were minor differences in the interior contents from the Army Soldbuch, relating to Air Force Service. The same conditions and regulations apply to this book as to the Soldbuch in item (a).

5. PARA-MILITARY SERVICE DOCUMENTS.

(a) *Soldbuch SS (SS Pay Book).*

(i) *Purpose.* As in item (a) of para. 1 above.

(ii) *Description and Regulations.* This book was bound in light cardboard and was light grey in colour, and there was a flap at the back of the book. The two outer corners were rounded and it was 11 x 14 cm in size. The front cover bears the runic SS emblem and the title is printed "Soldbuch—zugleich Personalausweis". The interior contents vary with the Wehrmacht Soldbuch as related to SS Service, and on page 1 was a Box Stamp space for quarterly checking.

(b) *Dienstbuch (Service Booklet).*

(i) *Purpose.* During the war this book acted as personal identification document for members of the Organisation Todt.

(ii) *Description and Regulations.* Bound in cardboard this booklet contains forty pages, the outer covers have a dark blackish background with brown lettering, the book's size is approximately 11 x 15 cm. On the outside of the cover is printed in light brown lettering the words "Organisation Todt" and underneath in jet black lettering a letter G, underneath this letter, printed in light brown colouring the emblem of the eagle and swastika and underneath that, the word "Dienstbuch". On the inside of the cover is printed an exhortation to the German worker headed "An die deutsche Frontarbeiter" (To the German Front Worker) and the signature of Dr. Todt. The contents of this book show the personal identity particulars of the individual together with a photograph, it also shows particulars of service, wounds received in action, decorations, pay bonuses, special training, hospitalization, membership of NSDAP or DAF and other service particulars. Each page bears the words "ORGANISATION TODT", the eagle and swastika and "Dienstbuch" which appears in a white pattern. The inside back cover consists of regulations and the outside shows the holder's name in a white space provided on the dark background.

Note: Only German nationals (Reichsdeutsche) were entitled to a Dienstbuch, they were even officially withdrawn in 1942 from Volksdeutsche citizens but certain aliens—looked upon favourably—and collaborators may have been issued with one. To check Volksdeutsche, bear this in mind in association with item (c) below.

(c) *Ersatzkarte für Dienstbuch (Substitute Card for Service Booklet).*

(i) *Purpose.* Issued to members of the Organisation Todt and recognised as an Identity Document.

(ii) *Description and Regulations.* Printed on thin card in a light grey colour, this document is folded horizontally and vertically forming four panels. The front page gives the bearer's particulars and family status, the other pages medical details, together with specifications of the contractors who have employed him. A photograph of the bearer is stapled on the card. Stapled to the interior of this document there is often a booklet entitled "Nachtrag" in which entries which did not find space on the "Ersatzkarte" proper were made. The heading on the front of this card bears the eagle and swastika emblem in the top left hand corner and the words "Organisation Todt" in the right hand corner and underneath the legend "Ersatzkarte für Dienstbuch Nr. " and is over-written with the signature of the Oberfrontführer issuing the card. Only aliens who were "in the good graces" of the O.T. were issued with this card and the word "Ausländer" was stamped on the foot of the card. Volksdeutsche members were issued with this card after 1942. Some cards were issued in 1945 with the word

Hundertschaft stamped thereon. This indicated that the person had been called before a Wehrmacht recruiting commission and had been considered as not worthy material for the Wehrmacht (*Wehrunwürdig*). In addition to foreign personnel, some German criminals and ex-concentration camp inmates were given the card when they became members of the Organisation.

- (d) *Dienstbuch—Festungsbau W. H.* (*Service Record Book—Fortification Construction*).
- (i) *Purpose.* As for the *Dienstbuch* referred to in item (b) above this served as an identity document.
 - (ii) *Description and Regulations.* This book is the same size and type as the *Dienstbuch* referred to in item (b), excepting that in the outer corner is printed "W.H. Festungsbau Dienstbuch". In spite of the W.H. on the outer cover the holders of this book were O.T. workers engaged on fortification constructions for the "Wehrmacht Heer" and the document is, therefore, not a military one. Each page bears the watermark of the title of the book. The conditions of issue were the same as in item (b).

6. N.S.D.A.P. NAZI PARTY DOCUMENTS.

- (a) *Rückwanderer Ausweis—Auslands Organisation (Returning Emigrants Certificate)*.
- (i) *Purpose.* This document certified the return to the Reich of a German emigrant.
 - (ii) *Description and Regulations.* Bound in a thin card, green in colour, this booklet contains eight pages (pink in colour) and was approximately 11 x 14 cm in size. Pages 1 and 2 gave particulars of the holder and the remaining pages showed records of assistance given to the bearer. On the front cover, in black lettering is printed "N.S.D.A.P.—Auslands Organisation"—Rückwanderer-Amt Berlin, W.9.—Potsdamer Str. 22—and in large case letters: "Rückwanderer—Ausweis Nr.".

Note: The Auslandsbüro für Deutschland was an organisation formed to unite persons of ethnic German origin who were living outside of Germany, it was known in Germany as the "43rd GAU"; this organisation was an integral part of the N.S.D.A.P. abroad.

- (b) *Deutsche Arbeitsfront—D.A.F. (German Labour Front)*.
- Identity documents were usually confined in the case of aliens to National Committee Certificates (see Section C of Chapter XXIV), and membership cards indicating the voluntary enlistment of the holder for employment in Germany or the subjugated countries. The Deutsche Arbeitsfront emblem consisted of the swastika surrounded by a cogged wheel outline, and therefore any identity documents bearing this emblem should be considered as issued under the auspices of this organisation.

7. CIVILIAN DOCUMENTS.

- (a) *Kennkarte (Identity Card)*.
- (i) *Purpose.* To establish the identity of civilians in Germany.
 - (ii) *Description and Regulations.* Printed on grey coloured linen, the first inside page shows the name of the town where bearer is registered, the service number of the document, its validity, bearer's name, date and place of birth, profession, immutable distinctive signs, mutable distinctive signs, and remarks. An adhesive administrative stamp value 1 R.M. appears stuck and stapled in the left hand bottom corner. On the opposite page appears the bearer's photograph, stapled on, cancelled on two corners by a stamp of the Polizeipräsident, and the fingerprints of both index fingers. Below is the holder's signature followed by the stamps and signature of the issuing

authority. The front cover page shows printed in block lettering "Deutsches Reich" followed by the eagle and swastika emblem and below the word "Kennkarte". This was the most important German Identity Document, and all Germans not in the fighting services were obliged to carry one from the age of 15 years. This document was issued to all German civilians and civilians of ethnic German origin residing in Germany. All aliens who resided in German-occupied territory held a similar document issued by the Gouvernement General authorities. This was usually printed on grey cardboard and the cover headed "Gouvernement General" at the top right hand corner with the prefix letter of their nationality, e.g. "U" for Ukrainian. The stamps on other pages and the issuing authority was the Gouvernement General for the occupied territory.

(b) *Ausweise der Deutschen Volksliste (Certificate of German National Registration).*

(i) *Purpose.* To show membership of the German state and the granting of so-called "Volksdeutsche" citizenship.

(ii) *Description and Regulations.* These certificates were printed on thin card and were issued to persons of German descent who were subjects of another state, e.g. a person of German blood who was born in Estonia, etc. The cards were blue in the case of persons on Volksliste I and II, green in respect of persons who were on Volksliste III and red for those persons who were on Volksliste IV.

It stated on the blue documents that the possessor was entered on Deutsche Volksliste Nr. and possessed German citizenship ("Der Inhaber dieses Ausweises ist in die Deutsche Volksliste unter Nr. aufgenommen worden und besitzt die Deutsche Staatsangehörigkeit"). The front of the cover shows the wording "Ausweis der Deutschen Volksliste" and underneath the eagle and swastika emblem. These cards were issued to some persons who emigrated to Germany and who wished to acquire German citizenship. The inside of the card shows personal particulars and a photograph of the holder, underneath which is written the bearer's signature.

(c) *Wehrpass.*

(i) *Purpose.* Indicated that the bearer was registered as a German subject with the Wehrmeldeamt and was liable to military service.

(ii) *Description and Regulations.*

The Wehrpass was a grey booklet similar to the Soldbuch in format, which contained a photograph and personal data of the bearer. Possession of this document generally indicates that the person is a German citizen and that he was not in military service. It should be noted here that some half-Jews, Czechs from the Sudetenland and some Poles on Volksliste III were issued with this document.

(d) *Wehrunwürdigkeit—Schein.*

(i) *Purpose.* Persons who were considered as not worthy of military service in the German Army were issued this document.

(ii) *Description and Regulations.*

This certificate was generally printed on red paper and showed the name and birthdate of the bearer. It was issued by the Wehrmeldeamt. As it was issued to German ex-criminals, ex-concentration camp inmates and foreigners, it only indicates that the person was not considered qualified for military service because of citizenship, age or mental outlook (i.e. lack of Nazi ideology). After 1940, however, the issuance of this certificate was abolished and instead appropriate remarks were made in the Wehrpass since most of the persons concerned were turned over to the Organisation Todt.

(e) *Arbeitsbuch (Work Book)*.

- (i) *Purpose.* This book records the worker's service.
- (ii) *Description and Regulations.*

Bound in light card, this booklet contains 38 pages of which Page I shows the bearer's name, "Wehrnummer" and signature. Page 2 shows bearer's particulars, nationality, family status, Page 2a changes of address, Page 2b service in the R.A.D. and in the armed forces. Page 3 professional training, Page 4 previous employment and Pages 5-31, name and addresses of firms by whom bearer was employed. Pages 32-36 show rules and regulations covering employment. On each page appears the eagle and swastika emblem and the word "Arbeitsbuch" in a sort of watermark. The front cover of this book is coloured grey and dark brown with the words "Deutsches Reich" followed by the eagle and swastika emblem, and underneath the word "Arbeitsbuch". When this book was issued to aliens the words "Nicht Reichsdeutscher" were stamped across Page I. After 1941, a special Arbeitsbuch was issued to foreign workers. This was similar to the German Arbeitsbuch excepting that the outer cover was brown and green colouring and the words "Für Ausländer" added.

Note: The Arbeitsbuch is useful for clarifying date and places of residence in Germany and for corroborating stories of Displaced Persons and refugees interviewed for eligibility. It should be borne in mind that the Arbeitsbuch was not generally issued to a compulsory foreign worker, although after 1941 some compulsory workers may be found in possession of both an Arbeitsbuch and an Arbeitskarte of the type described in para. 8 (d) below.

(f) *Ersatzkarte für Arbeitsbuch.*

- (i) *Purpose.* This card took the place of a workbook in case of loss of same or where the book has been sent in to an office for additional entries and control.
- (ii) *Description and Regulations.* Printed on light card, this document gives a resume of the important entries in the work book, it is light buff in colour and approximately 11 x 15 cm in size. When issued to an alien it is endorsed "Nicht Reichsdeutscher" at the top of the front page. The lower part of the front cover bears the "Arbeitsamt" stamp in the right hand corner with the signature of the issuing authority.

8. *Aliens and Alien Labour.*

(a) *Ausweiskarte (Arbeitsamt Worker's Certificate)*.

- (i) *Purpose.* This card certified that the bearer was registered with the Arbeitsamt and was entitled to Health Insurance benefits.
- (ii) *Description and Regulations.* Printed on light yellow coloured card with rounded corners vertically folded in two. The cover was endorsed "Ausweiskarte" and gives particulars of the bearer, and regulations governing the issue of the card. The inside of the card shows employment particulars of the bearer, food entitlements and sick benefits. This document was only issued to volunteer workers.

(b) *Anwerbebestätigung (Certificate of Enrolment)*.

- (i) *Purpose.* Certifies the enrolment of bearer for labour.
- (ii) *Description and Regulations.* Printed on white paper, this document gives bearer's name, date and place of birth, address and family status (children under and over 21, dependants, etc.). In the lower half is stated where and to which firm the holder is to be directed and also in what capacity, duration of contract, hours to be worked, etc. On the back are shown

billeting and rationing conditions. The stamps on this form are those of the local labour office. Careful scrutiny of the document can show the conditions under which bearer was employed and hence enable an accurate decision to be reached as to whether the holder was a voluntary labourer. Almost invariably the holder of such a document would be a voluntary labourer. In this connection it must be remembered that a person coming voluntarily to Germany is not outside the mandate in the absence of other facts.

(c) *Arbeitskarte—Polnische Arbeitskarte (Work Card for Polish Labour).*

(i) *Purpose.* This document certifies how and where the bearer was employed.

(ii) *Description and Regulations.* Printed on a light cream coloured cardboard, the outside corner of this card shows the heading "Arbeitskarte für Polnische Arbeitskräfte" and below on the left side a fingerprint of the holder, and his photograph on the right side. On the inside is stuck the "Arbeitskarte" proper, and the heading of this card is printed in Polish and German. This card was issued to Polish Labourers. The size of the card is 14 x 21 cm.

(d) *Arbeitskarte (Work Card).*

(i) *Purpose.* Certified how and where the bearer was employed.

(ii) *Description and Regulations.* Printed on white paper and folded vertically, this card was headed on the front cover "Arbeitskarte für Arbeitskarte aus " and "Bescheinigung über Eingezahlte Lohnersparnisse" and underneath on the left side a space for the fingerprints and on the right side for a photograph. On Page 2 inside was stuck the "Arbeitskarte" proper printed only in German. On Page 3 appears a statement in twelve languages to the effect that bearer is only allowed to work for the employer specified on the card, which loses its validity if the worker left his post. This card was usually issued to Compulsory Foreign Labourers.

Bescheinigung (Certificate). In some cases prisoners of war were released from custody of a prisoner of war camp provided they accepted "free" employment. This usually took the form of a "roneo-ed" slip of paper approximately 15 x 21 cm. issued by the local Arbeitsamt. This particularly applied to so-called "Free" Polish agricultural workers. In addition such persons were often issued with a printed certificate on white paper with the text on the front in German and on the back in Polish. Such documents may indicate collaboration but should not be taken as definite proof that the holder collaborated. The certificate should be considered as evidence in the light of all the facts elicited from the interview.

(e) *Vorläufiger Fremden Pass (Aliens temporary Passport).*

(i) *Purpose.* This document enabled the bearer to be moved from country to country as requisite.

(ii) *Description and Regulations.* Bound in cardboard this booklet contains eight sheets—sixteen pages—the cover is red and the pages light red or pink bearing a wavy design in crimson with a pale green diagonal lattice design. A serial number is perforated clear through the book at the lower edge. The cover bears the lettering "Deutsches Reich" and underneath the eagle and swastika emblem followed by "Vorläufiger Fremden Pass". Page 1 shows the holder's name, states that the holder is not a German national, and contains the number of the passport. The legend on this page "Der Passinhaber besitzt nicht die deutsche Reichsangehörigkeit" indicates that the holder does not have German citizenship. Page 2 describes the holder's nationality, profession, birthplace and date, address, figure, face, colour of eyes, and hair, and distinguishing features. Page 3 bears the holder's photograph and signature. Page 4—the top half shows until

what date the passport is valid. The lower half certifies that the owner of the passport is the person shown in the photograph and that the signature is his own. Pages 5 and 6 provide spaces for prolongation of validity. The other few pages are blank and are used for stamps at frontier crossings or to show issue of travel warrants, food cards, etc. This document was usually issued to foreign nationals as a temporary document to enable them to travel outside Germany. It is of little value unless accompanied by travel authority papers to indicate the status of the bearer. Towards the end of the war these documents could be purchased illegally and many Nazi officials were bribed to issue them to nationals who normally would not have been entitled to hold them. However, this document is useful for checking dates of entry and places resident, for each person was compelled to have the book endorsed to enable them to reside in any community. It can be assumed that Volksdeutsche citizens would NOT possess this document.

9. *Friendly Aliens in Germany.*

(a) *Fremdenpass (Passport for Foreigners).*

(i) *Purpose.* Identification of a foreign national residing in Germany.

(ii) *Description.* Bound in grey coloured linen with stiff board covers this booklet contains 28 pages and is similar to an ordinary German passport in appearance and contents. The pages are a light beige in colour, printed in black ink. The outer cover bears a black line diagonally across the top left hand corner, the eagle and swastika emblem, followed by the word "Fremdenpass". It is printed on the inside in both the French and German language, although in some instances the book was printed in German only. Page 1 shows the name of the holder, followed by the statement that the bearer is not a German national; the serial number of the passport, and in the bottom right hand corner a number prefixed by a letter and an oblique stroke. Other pages show the personal particulars of the bearer, his photograph and his signature, and the remaining pages are for renewals and visas, etc.

This passport was issued by the German authorities to a neutral or stateless person or a national of the occupied territories (usually a collaborator) in special circumstances, when for some reason it was impossible for such persons to obtain a passport from their own national authorities. It was given a validity sufficiently long for the holder to perform his business outside Germany. This passport was not issued to foreign workers who were compulsorily sent to Germany. Stateless persons when issued with this document usually surrendered their Nansen passport, this would be fairly conclusive proof of their residence in Germany. Persons in possession of the *Fremdenpass* should be closely interviewed to ensure that they are not excluded from IRO assistance by any clause of Part II of the Constitution. Persons who are in possession of this document are not outside the mandate of IRO for this reason alone.

(b) *Umsiedler Ausweis (Certificate of resettlement) and Rückkehrer Ausweis (Certificate for returning emigrant).*

(i) *Purpose.* Certifies that the bearer has returned to the German Reich.

(ii) *Description and Regulations.* Printed on grey and/or green linen, this document gives the bearer's particulars, his father's nationality and domicile together with his physical description, but does not make any statement. The front cover of this document showed in the top right hand corner a number followed by a star emblem, and underneath the work "Umsiedleraus-

weis". Except for its title the "Rückkehrer Ausweis" was identical with this document.

The Umsiedler Ausweis and Rückkehrer Ausweis were issued by the E.W.Z. or Einwandererzentralstelle (Central Immigration Office). The Umsiedler Ausweis (certificate of returning immigrant) was introduced by a decree dated the 13th February, 1941, and replaced the Rückkehrer Ausweis (certificate of repatriation) which had been issued until this date, and in some cases later. They were stamped by the "Chef der Sicherheitspolizei und des S.D.". On the back a mention is made to the effect that the bearer received a sum of money on taking up residence in Germany. They were originally intended for issue to persons of German ethnic origin from other countries who were eligible for the acquisition of German citizenship and who wished to return to the German Reich. This primary intention was not followed, since many persons who were clearly not of German ethnic origin received them when applying for entry into Germany. Thus many Latvians, Estonians and Lithuanians were able to reach Germany through the acquisition of these documents after the Russian Occupation of the Baltic States.

It is known that possession of these documents granted the concomitant privilege of undergoing a simplified German naturalisation procedure. Applications for naturalisation from resettlers from Latvia, Estonia, Lithuania and Eastern Poland were handled and decided by a special delegate of the Reichsminister for the Interior. The certificate of naturalisation was issued either by the special delegate in case the conditions for naturalisation were fulfilled or in the event of a doubt (because of racial impurity, etc.) against the immediate naturalisation of the resettler, the applicant was issued with a "Reference Letter" whereby he was advised to submit a new application for naturalisation to the Naturalisation Office at the place of his future residence.

From the above it is obvious that :

- (a) Persons in possession of these documents come to Germany voluntarily.
- (b) In some cases they acquired German citizenship.
- (c) They may or may not be of German ethnic origin.

It is therefore considered that while mere possession of these documents does not exclude the possessor from falling within the mandate of the Organisation, each applicant for IRO assistance will have to be carefully interviewed, bearing in mind the considerations set out herein. In particular it should always be remembered that voluntary entry into Germany does not, as such, cause exclusion from the mandate. In many individual cases the Review Board has determined that the possession of the documents did not exclude the applicant as there were other circumstances, such as fear of persecution, or political objections to remaining at home, with no evidence of German ethnic origin or voluntary assistance to the enemy forces.

In general it can be stated that holders of Umsiedler Ausweise or Rückkehrer Ausweise are not *ipso facto* excluded from the mandate unless they also either are of German ethnic origin or have become German citizens or have voluntarily assisted the enemy forces.

CHAPTER XXVIII

CHRONOLOGY WORLD WAR II

A. FINLAND AND THE BALTIC STATES

1939

- Sept. 29* Soviet-Estonian 'mutual assistance' pact grants U.S.S.R. sea and air bases.
- Oct. 5* Soviet-Latvian 'mutual assistance' pact grants U.S.S.R. sea and air bases.
- Oct. 7* German Ministers in Estonia, Latvia and Lithuania ask foreign ministers for permission to evacuate Baltic Germans; October 8, evacuation of 'Reich' Germans from Latvia starts; October 15, German-Estonian agreement of transfer; October 30, German-Latvian agreement.
- Oct. 10* Soviet-Lithuanian 'mutual assistance' pact signed giving U.S.S.R. sea and air bases and ceding Vilna to Lithuania.
- Nov. 29* U.S.S.R. breaks off diplomatic relations with Finland; U.S. offers to mediate.
- Nov. 31* Finland invaded. Helsinki bombed.
- Dec. 1* Finnish National Government under Dr. Ryti; Soviet puppet Government under Mr. Kuusinen.
- Dec. 2* Finland appeals to the League; Council summoned for December 9, Assembly for December 11; League mediation offer, December 11; refused by U.S.S.R., December 12; U.S.S.R. expelled from League, December 14.

1940

- March 12* Russo-Finnish peace signed in Moscow.
- March 13* Russo-Finnish hostilities cease, noon.
- March 16* Baltic States Conference, Riga; neutrality communique.
- March 22* Hangö handed over to Russians.
- June 12* Soviet ultimatum to Lithuania; accepted, June 14; Russians occupy Kaunas and Vilna, June 15; new Government, June 16.
- June 16* U.S.S.R. demands change of Government in Estonia; new cabinet, June 22. U.S.S.R. demands change of Government in Latvia; new cabinet June 28.
- July 14* General elections in Estonia, Latvia, and Lithuania; Assemblies pass unanimous vote for union with U.S.S.R., July 21.

1941

- June 25* Finland attacked by Soviet air force, takes 'defence measures'.
- July 1* Germans capture Riga, reach River Beresina.
- August 30* Finnish forces enter Viipuri; Marshal Voroshilov abandons Karelian Isthmus.
- Sept. 23* H.M.G. warn Finland not to continue war on U.S.S.R. or she will be considered a 'member of the Axis', both now and after war; Finland rejects Note, October 7.

1942

- June 4* Hitler and Field Marshal Keitel visit Field Marshal Mannerheim, Finnish C-in-C in Finland.

1943

- March 5* Professor Linkomies forms coalition Government in Finland.

1944

- Feb. 1* Russians on Leningrad front, capture Kingisepp and advance to within a mile of Estonian frontier.
Feb. 28 Finland announces trade agreement with Germany.
June 21 Russians open new offensives against Finland between Lake Ladoga and Lake Onega and north of Lake Onega.
June 27 German news agency announces that Ribbentrop has had conferences in Helsinki; agreement reached on all points; Germans will send armed assistance to Finns; German troops march through Helsinki on way to the front; June 28, Field Marshal Keitel, Chief of German Armed Forces, arrives in Helsinki to organise German military reinforcements.
June 30 U.S. severs diplomatic relations with Finland.
July 19 Russians announce crossing of Latvian border in direction of Dvinsk.
July 31 Russians on 3rd Baltic front take Mitau; street fighting in Kaunas.
August 1 Russians cut all roads leading from Baltic States to E. Prussia; Kaunas captured. Finnish President, Ryti, resigns; succeeded by Marshal Mannerheim.
August 25 Finns ask Soviet Government if they will receive deputation to negotiate peace or armistice.
Sept. 2 Finnish Prime Minister Hackzell speaks on Finland's reasons for desiring to withdraw from war; announces decision to break relations with Germany and request withdrawal of German troops in Finland as prerequisite to opening negotiations with U.S.S.R.; September 3, Soviet Foreign Commissariat issues statement on exchanges on armistice with Finnish Government; September 4, cease fire sounds on Finnish-Russian front; September 6, Finnish delegates to go to Moscow to negotiate peace or armistice; September 7, Finnish peace delegation arrives in Moscow; September 10, armistice signed.
Sept. 17 Russians launch offensive in Estonia.
Sept. 21 Estonians in Tallinn revolt, capture Government building and set up National Government headed by Otto Tiel; September 22, Russians enter Tallinn.
Sept. 22 Russians capture Island of Worms off Estonia.
Oct. 2 Finns land at Tornio on Gulf of Bothnia.
Oct. 10 Russians reach Baltic coast, cutting German escape route between Libau, Windau and Riga.
Nov. 24 Oesel Island, Estonia, clear of enemy.

1945

- March 4* Finland declares state of war with Germany as from September 15, 1944.

B. CZECHOSLOVAKIA

1938

- Sept. 29* Munich agreement signed by U.K., France, Germany and Italy.
Oct. 5 Resignation of President Benes; succeeded by President Hacha.

- Nov. 2* Vienna Award by Germany and Italy fixing frontier between Hungary and Czechoslovakia.
Nov. 22 Czechoslovakia grants autonomy to Slovakia and Ruthenia.

1939

- March 14* President Hacha summoned to Berlin, Slovakia declares its independence. Hungary invades Ruthenia.
March 15 German troops cross the Czech border. Hitler proclaims the 'Protectorate of Bohemia and Moravia'.
March 16 Hitler accepts the Protectorate of Slovakia.
March 23 Hungarian troops annex a portion of Czechoslovak territory.
Oct. 28 Czech Independence Day celebrations suppressed by Gestapo.
Nov. 16 Martial Law in Prague. Many Czech students shot and deported.

1940

- July 23* Provisional Czech Government (Dr. Benes, President, Mgr. Sramek, Premier), formed in London and recognised by Britain; German reaction, July 26.
Sept. 23 Von Neurath, Protector of Bohemia and Moravia, resigns 'for reasons of health'; succeeded by Heydrich (second in command to Himmler); September 28, martial law for 6 districts proclaimed in Prague; General Elias, Premier, arrested, sent to Berlin for trial, September 29; condemned to death, October 1, but sentence commuted, October 6.

1942

- Jan. 19* Czech puppet Government reformed with stronger pro-German bias.
May 27 Attempted assassination of Heydrich in Prague; assassians escape and Germans decree state of emergency in Protectorate; June 4, Heydrich dies of wounds.
June 10 Lidice; Prague announces wiping out of entire Czech village of Lidice as reprisal for assassination of Heydrich.
June 19 Berlin announces execution of General Elias, former Premier of Czech puppet Government.

1943

- August 24* von Neurath again resigns post as Protector of Bohemia and Moravia and is succeeded by Frick.

1944

- April 8* Czechoslovak Government in London broadcasts proclamation calling on Czech people to rise.
May 8 Czech-Soviet agreement signed to cover possible entry of Soviet troops into Czechoslovakia.
August 24 Martial Law proclaimed in Slovakia after Czech underground forces have come into open.
Sept. 6 Mr. Masaryk announces that Slovak patriots have revolted and secured great success; Slovak Government under Tuka resigns; Stefano Tiso to form Government.
Sept. 13 Russian troops reach Polish-Czechoslovak frontier.
Oct. 10 Russian and Czechoslovak forces cross Carpathians.
Oct. 18 Special Order of the Day announces that Red Army has crossed into Czechoslovakia.

1945

- March 11* Dr. Benes and members of the Czechoslovak Government leave Great Britain for Slovakia.
- March 17* President Benes arrives in Moscow March 19, received by Marshal Stalin; leaves Moscow March 31.
- April 7* New Czechoslovak Government appointed, with Mr. Fierlinger as Prime Minister and Mr. Masaryk as Foreign Minister.
- April 18* U.S. forces enter Czechoslovakia.
- May 3* U.S. forces moving into Bohemia, southwest of Pilsen.
- May 5* Heavy street fighting in Prague; patriots appeal for allied help.
- May 8* An agreement for the capitulation of the Germans in Prague signed by a representative of the Czechoslovak National Army and the German General in the city.
- June 29* The Soviet and Czechoslovak Governments sign agreement in Moscow, transferring Ruthenia to the Soviet Union.

C. POLAND

1939

- March 31* Mr. Chamberlain announces British and French guarantees to Poland.
- April 28* Hitler rejects President Roosevelt's proposal, denounces the 1935 Naval Agreement with Britain and the 1934 Non-aggression Pact with Poland, and demands Danzig and a road through the Corridor.
- May 5* Colonel Beck, Polish Foreign Minister, rejects Hitler's proposal.
- May 23* At conference with Goering, Keitel, Raeder and others, Hitler declares that Danzig is not subject of dispute. "We are left with decision to attack Poland at the earliest opportunity."
- July 1* M. Bonnet, French Foreign Minister, warns the German Ambassador of his Government's 'firm determination' to fulfil undertakings to Poland.
- August 21* Soviet-German Non-aggression Pact announced; signed Moscow, Aug. 23.
- August 25* Anglo-Polish alliance signed.
- August 26* Daladier appeals to Hitler for peace; Hitler replies, unable to persuade Poles to accept peaceful solution.
- August 31* Germany publishes terms which Poland is assumed to have rejected.
- Sept. 1* Poland invaded 5.30 a.m. Hitler addresses Reichstag. British and French demand that German troops shall be withdrawn from Poland.
- Sept. 3* Germany's reply to Anglo-French demands. British ultimatum, expiring 11 a.m.; French ultimatum, expiring 3 p.m. State of war.
- Sept. 17* Soviet troops enter Eastern Poland.
- Sept. 27* Warsaw surrenders.
- Sept. 29* Soviet-German Treaty of Friendship partitioning Poland.
- Sept. 30* New Polish Government formed in Paris. M. Raczkiwicz President, General Sikorski Prime Minister.
- Oct. 6* Hitler, addressing Reichstag on conquest of Poland, puts forward peace plan: (i) conference on consequences of Poland's collapse and on German claim to colonies, (ii) no demands on France; also reveals plan for transferring Baltic Germans to Poland.
- Oct. 19* Hitler incorporates Western Polish area in Germany, creates rump-state of

- Oct. 23 Poland, establishes first Jewish ghetto in Lublin.
Elections in Russian occupied Poland.
Papal protest against Germany's treatment of Church of Poland.
Nov. 8 Dr. Frank installed as Governor-General of Poland.

1940

- June 10 Italy breaks off relations with Poland.
June 15 New Russo-German frontier agreement announced.
June 21 Polish Government reach London from France.
August 5 Anglo-Polish military agreement signed.

1941

- June 30 Germans capture Lwow.
July 30 U.S.S.R.-Polish Agreement signed in London; Soviet-German treaties of 1939 annulled; Polish Army to be formed in Russia.
Exchange of Notes between H.M.G. and Polish Government, re-affirming non-recognition of territorial changes.
August 6 General Anders appointed C-in-C. Polish Army in Russia.
August 13 Soviet-Polish military agreement signed in Moscow.
August 20 M. Kot to be Polish Ambassador in Moscow, arrives September 4.
Dec. 5 Soviet-Polish declarations of friendship pledging mutual aid during war signed in Moscow. Stalin promises help to Polish Divisions in U.S.S.R.

1943

- Feb. 25 The Polish Government issues a resolution on Polish-Soviet relations, affirming that as regards frontiers the status quo previous to September 1, 1939 is in force. On March 1 an official Soviet statement declares that Poland has no claim on Ukraine or Byelo-Russia. On March 4 the Polish Government replies, stating its views on the question.
April 20 Massacre in Warsaw ghetto begins; April 23, Himmler orders complete combing out of ghetto 'with utmost severity'; May 16, large scale activity ends; extermination of 56,000 Jews certain.
July 4 General Sikorski and certain Polish leaders killed when plane crashes near Gibraltar.
July 5 Announced that General Kukiel is to succeed General Sikorski as C-in-C. of the Polish armed Forces; M. Mikolajczyk to act as Prime Minister.
July 26 M. Banaczyk, Polish Minister for Home Affairs, announces mass murders by Germans in Lublin province.
Nov. 4 M. Banaczyk, Polish Minister for Home Affairs, makes statement on new German atrocities in Poland.

1944

- Jan. 10 Soviet Government issues statement on relations with Poland, proposing new frontier on 'Curzon Line'; January 15, Polish Government announces that it cannot recognise any unilateral decisions and is approaching U.S. and U.K. Governments with request for mediation; January 17, stated in Moscow that Polish declaration must be regarded as rejection of 'Curzon Line' frontier; U.S. Government offers good offices to arrange discussions; January 20, Mr. Churchill and Mr. Eden see Polish Prime Minister and Foreign Minister;

- Mr. Cordell Hull states that Soviet Government has not yet accepted U.S. offer of mediation; January 26, Soviet Government declines U.S. mediation.
- March 20* Special Order of the Day announces capture of Mogilev-Podolski on R. Dniester by troops of 2nd Ukrainian Front and of Vinnitsa, on R. Bug, by 1st Ukrainian Front forces.
- March 27* Polish secret radio announces that all commanders of Polish Underground Army have been ordered to establish contact with Russian Army.
- April 23* News given that leading representatives of Polish Underground Movement have arrived in London.
- April 25* Polish Minister of Defence issues statement on Jewish deserters from Polish Army.
- July 3* Special Order of the Day, recapture of Minsk by troops of 1st and 3rd White Russian Armies.
- July 11* M. Mikolajczyk, Polish Prime Minister, announces that units of Polish Underground Army are now in open conflict with Germans.
- July 23* Announced from Moscow that Polish National Council has formed Committee of National Liberation to deal with civil administration of liberated Poland; July 24, Polish Government in London calls committee creation of handful of unknown communists; July 26, agreement signed between Soviet Government and Polish National Committee on relations between Polish administration and Russian High Command in Poland; Mr. Eden states in House that H.M.G. continues to recognise Mikolajczyk Government.
- July 27* Learned that M. Mikolajczyk, M. Romer, Polish Foreign Minister, and Professor Grabski have left London in hope of meeting Russian leaders and Representatives of Polish National Committee.
- August 1* M. Mikolajczyk arrives in Moscow with M. Romer; August 3, received by Marshal Stalin; August 6 and 7, has conferences with representatives of Polish Committee of National Liberation; August 10, leaves Moscow; Polish Underground Army starts open fighting in Warsaw.
- August 13* Allied bombers based in Italy fly to Warsaw to drop arms and ammunition.
- August 18* National Council of Poland declares Lublin temporary capital of Poland.
- August 29* U.K. and U.S. Governments declare Polish Home Army a responsible belligerent Force; August 31, Germans reject declaration.
- Sept. 1* General Sosnokowski, Polish C-in-C., issues Order of the Day to Polish Home Army, accusing Allies of abandoning people of Warsaw.
- Sept. 12* Polish Government publishes message of thanks to British aircraft which have brought aid to Warsaw.
- Sept. 14* Russian aircraft drop arms and supplies to Polish Home Army in Warsaw; repeat on following days.
- Sept. 18* 8th A.A.F. heavies drop supplies to Warsaw and land in Russia.
- Sept. 22* Polish Government agree unanimously that General Sosnokowski should be relieved of post as C. in C. of Polish Army; Sept. 28, official statement issued giving reasons for decision and request to Polish President to relieve him of post.
- Sept. 29* General Sosnokowski relieved of post as C. in C. of Polish Army; succeeded by General "Bor" (Komorowski), commander of Polish Home Army; Sept. 30, M. Morawski, Chairman of Polish National Committee, protests against appointment.
- Oct. 3* Warsaw falls after 63 days fighting, Polish Underground Army having exhausted all means of fighting and food supplies.
- Oct. 9.* Third Moscow Conference; Mr. Churchill and Mr. Eden arrive in Moscow for talks with M. Stalin; Oct. 13, Polish Prime Minister joins in conversations; Oct. 20, talks end; officially stated important progress made towards solution of Polish problem.
- Nov. 24* M. Mikolajczyk, Polish Premier, resigns.

- Nov. 30* M. Arciszewski forms new Polish Cabinet in London.
Dec. 31 Polish Committee of National Liberation in Lublin assumes title of "Provisional Government"; protest by Polish Government in London.

1945

- Jan. 1* Mr. Stettinius announces that U.S. Government will continue to recognise the Polish Government in London.
Jan. 5 Authoritatively stated in London and Washington that Britain and U.S.A. continue to recognise the Polish Government in London. Soviet Government recognises Lublin Committee as Provisional Government of Poland.
Jan. 11 Warsaw entered by Russians.
Jan 12 Red Army launches big offensive in Southern Poland.
Jan. 18 Polish Provisional Government formed in Lublin enters Warsaw.
Jan. 31 The Czechoslovak Government announce their decision to recognise the Lublin Committee (Polish Provisional Government).
Feb. 4 YALTA CONFERENCE—recommendations concerning establishment of new Polish Provisional Government.
Feb. 26 General Anders appointed acting C. in C. Polish armed forces; announced in London that appointment was made without the knowledge or approval of the British Government, who could, therefore accept no responsibility in the matter.
March 31 Learned that U.S. and British Governments have rejected Russian appeal that Polish Provisional Government be invited to San Francisco; further appeal received in Washington, Apl. 18.
April 21 A treaty of mutual assistance with the Lublin Provisional Government signed by Soviet Government in Moscow.
May 7 U.S. 7th Army liberates General Bor-Komorowski (the Polish Commander in Warsaw in August 1944).
June 12 Representatives of the three great Powers invite democratic leaders from Poland and from outside Poland and representatives of the Provisional Government to meet in Moscow on June 15 to discuss the formation of a provisional Polish Government of National Unity.
June 17 Talks in Moscow between M. Molotov, U.K. and U.S. Ambassadors in Moscow, and Polish leaders on formation of a Polish Government of National Unity; June 20, agreement reached.
June 21 Moscow Court passes sentence on 12 of 16 arrested Polish leaders for underground activities in rear of Red Army; June 20, M. Arcizewski, in London, denies legality of Moscow trial.
June 28 New Polish Government of National Unity formed, with M. Edward Osobka-Morawski as Prime Minister and M. Mikolajczyk as one of the 2 Vice-Premiers.
July 3 Learned that the New Government of National Unity in Poland has informed the British and U.S. Governments that it accepts the Yalta decisions and is prepared to hold free elections, with a secret ballot.
July 5 British and U.S. Governments recognise Provisional Government of Poland; statement on the liquidation of the Polish Government in London.

D. U.S.S.R.

1939

- August 21* Soviet-German non-aggression pact announced; signed Moscow, August 23.
Sept. 17 Soviet troops enter Eastern Poland.

- Sept. 19 Soviet troops reach Lithuanian frontier; occupy Vilna.
Sept. 29 Soviet-German treaty of friendship partitioning Poland.
Soviet-Estonian "mutual assistance" pact grants U.S.S.R. sea and air bases.
Oct. 5 Soviet-Latvian "mutual assistance" pact grants U.S.S.R. sea and air bases.
Oct. 10 Soviet-Lithuanian "mutual assistance" pact signed giving U.S.S.R. sea and air bases and ceding Vilna to Lithuania.
Oct. 23 Elections in Russian occupied Poland.
Nov. 30 Finland invaded.
Dec. 2 Finland appeals to the League; U.S.S.R. expelled from League, December 14.

1940

- March 12 Russo-Finnish peace signed in Moscow.
March 13 Russo-Finnish hostilities cease from noon.
June 12 Soviet ultimatum to Lithuania; accepted, June 14; Russians occupy Kaunas and Vilna, June 15; new Government, June 16.
June 16 U.S.S.R. demands change of Government in Estonia; new cabinet, June 22.
U.S.S.R. demands change of Government in Latvia; new cabinet, June 20.
June 26 Soviet ultimatum to Rumania. Bessarabia and N. Bukovina demanded; Rumanian acceptance, June 27; documents published, June 28.
July 23 German delegation in Moscow to arrange evacuation of Bessarabian Germans.
Aug. 21 Trotsky assassinated in Mexico City.
Dec. 18 Secret memorandum issued from Hitler's H.Q. on "Barbarossa Plan" for attack on Russia.

1941

- Jan. 10 Soviet-German pact signed in Berlin on frontiers and exchange of Nationals in former Baltic States; trade agreement signed in Moscow.
June 22 4 a.m. Germany invades U.S.S.R.; general mobilization and martial law in U.S.S.R. proclaimed.
Italy and Rumania declare war on U.S.S.R.
9 p.m. Mr. Churchill broadcasts on H.M.G. policy towards Russo-German situation, "Any State who fights "Nazism" will have our aid... it follows therefore that we shall give whatever help we can to Russia."
June 24 Germans take Brest-Litovsk, Vilna and Kaunas.
Hungary breaks off diplomatic relations with U.S.S.R.
June 25 Finland attacked by Soviet air forces, takes "defence measures".
June 27 Hungary declares war on U.S.S.R.
July 12 Anglo-Soviet agreement signed in Moscow, for "mutual assistance" against "Hitlerite Germany" with no separate peace.
July 21 Russian withdrawal beyond R. Dniester, involving evacuation of Bessarabia, announced in Ankara.
July 30 Polish army to be formed in Russia.
August 25 British and Russian troops enter Iran from South and North respectively.
August 26 British occupy oil installations; Russians enter Tabriz.
Sept. 8 U.S.S.R. Supreme Council decrees removal to Eastern Russia of German Republic of the Volga.
Sept. 19 Germans occupy Kiev, after 45 days battle, find it systematically destroyed.
Oct. 19 Mr. Stalin proclaims state of siege in Moscow and issues Order of the Day, "Moscow will be defended to the last".
Oct. 24 Germans capture Kharkov.
Nov. 1 Germans capture Simferopol, capital of Crimea.
Nov. 17 Rosenberg appointed Reich Minister for occupied Eastern territories.

1942

- Jan. 6* Mr. Molotov issues Note on German atrocities in occupied Russia and Poland; January 7, additional note.
Jan. 9 Russians enter Province of Smolensk.
July 1 Germans capture Sevastopol, fortress, town and harbour.
July 7 Germans claim capture of Voronezh.
July 27 Russians announce evacuation of Rostov and Novochoerkassk.
Aug. 12 First Moscow Conference; decisions reached cover war against Germany and her associates in Europe.
Sept. 1 Germans claim to have reached Black Sea and to have captured Anapa.
Nov. 22 Stalingrad counter-offensive.

1943

- Jan. 18* At Leningrad, after 7 days severe fighting, the siege is raised.
Feb. 2 At Stalingrad remaining German forces capitulate.
April 6 Soviet Commission investigating atrocities in certain liberated areas issues a report accusing German Chiefs of responsibility.
May 12 Mr. Molotov accuses Germans of organising slave trade in Russian citizens.
Nov. 6 Re-capture of Kiev; Special Order of the Day.
Nov. 28 Teheran Conference; December 1, joint statement on conference signed by President Roosevelt, Marshal Stalin and Mr. Churchill; declaration on Iran issued on same day; approximate date of invasion of Western Europe decided.

1944

- Feb. 1* Russians on Leningrad front advance to within a mile of Estonian frontier. Mr. Molotov at meeting of Supreme Soviet, proposes new status for Soviet republics, with separate armies and diplomatic services; proposals unanimously approved.
April 10 Re-capture of Odessa; in Rumania Sereth is freed by troops of 2nd Ukrainian front.
July 3 Special Order of the Day, re-capture of Minsk by troops of 1st and 3rd White Russian Armies.
July 13 Special Order of the Day announces Russian capture of Vilna.
July 24 Russians of 1st White Russian front capture Lublin; over-run Maidenek Vernichtungs Lager.
Aug. 23 Rumania accepts Russian armistice terms.
Aug. 26 Soviet Government refuses to recognise Bulgarian neutrality.
Sept. 5 Russia declares war on Bulgaria; Bulgaria declares war on Germany and requests armistice with Russia; September 8, Russians enter Bulgaria unopposed and occupy Varna.
Sept. 9 Moscow radio announces that Russian troops have ceased military operations, in Bulgaria.
Sept. 13 Russian troops reach Polish-Czechoslovak frontier.
Sept. 23 Russians and Rumanians cross Hungarian frontier at Arad.
Oct. 1 Red Army enters Yugoslavia by agreement with Marshal Tito.
Oct. 4 Russians capture Vladimirovac and other places in Yugoslavia, and link up with units of Yugoslav National Army of Liberation.
Oct. 13 Riga captured by Red Army.
Oct. 18 Special Order of the Day announces that Red Army has crossed into Czechoslovakia.
Oct. 20 Belgrade liberated by Russians.
Oct. 28 Armistice with Bulgaria signed in Moscow.

1945

- Jan. 5* Soviet Government recognise Lublin Committee as Provisional Government of Poland.
- Jan. 11* Warsaw entered by Russians.
- Jan. 27* Memel taken; Lithuania now completely freed.
- March 10* Announced on Moscow radio that Marshal Stalin has acceded to the request of the Rumanian Prime Minister and has decided to restore Transylvania to Rumania.
- March 30* Russian troops cross Estonian border North of Koszeg.
- April 13* Vienna liberated by Red Army.
- May 2* Berlin surrenders to First White Russian and First Ukrainian Armies.
- May 7* Unconditional surrender of Germany to Western Allies and Russia.
- May 24* Exchange of Russian citizens and British and Allied prisoners of war begins at agreed point.
- June 6* General Golikov complains of conditions of Russian prisoners of war in British Camps; British reply with counter charges June 12.
- July 17* Potsdam Conference; August 2, report on Conference published, includes agreement on Council of Foreign Ministers, on political and economic principles to govern treatment of Germany during controlled period, statements on Poland and on conclusion of peace treaties, with satellites.
- Aug. 8* Russia declared herself at war with Japan as from midnight. U.S.A., U.S.S.R., U.K. and France issue statement on Allied Commission for Austria; country divided into 4 zones; Vienna to be jointly occupied by 4 powers; Allied Council to decide questions involving whole country.

E. HUNGARY

1938

- Nov. 2* Vienna Award by Germany and Italy, fixing frontier between Hungary and Czechoslovakia.

1939

- Mar. 14* President Hacha summoned to Berlin. Slovakia declares its independence. Hungary invades the Carpatho-Ukraine.
- Mar. 23* Hungarian troops annex a portion of Czechoslovak territory.
- Sept. 19* Soviet troops reach Hungarian frontier.

1940

- July 10* Counts Teleki and Czaky, Hungarian Premier and Foreign Minister, see Hitler and Ribbentrop at Munich.
- Aug. 16* Hungarians and Rumanians meet at Turnu-Severin to discuss Hungarian claims to Transylvania; Hungarian proposals presented; Rumanian counter-proposals, August 19.
- Aug. 24* Rumanian Hungarian negotiations broken off.
- Aug. 29* Ribbentrop and Ciano meet Rumanian and Hungarian Ministers at Vienna.
- Aug. 30* Agreement (Vienna Award) signed between Germany, Italy, Hungary and Rumania, transferring Northern Transylvania from Rumania to Hungary; Hungarians to march in, September 5-13; further details, September 2.

- Nov. 20* Counts Teleki and Czaky, Hungarian Primer Minister and Foreign Minister, in Vienna; Hungary adheres to the Tripartite Pact.
Dec. 1 Hungary announces the severance of relations with Poland as from January 1, 1941.
Dec. 12 Yugoslav/Hungarian pact of 'eternal friendship' signed.
Dec. 13 German troops begin moving into Rumania via Hungary.

1941

- Jan. 27* Death of Count Czaky; Mr. Bardossy appointed, February 5.
April 3 Count Teleki, Hungarian Premier, commits suicide; Mr. Bardossy succeeds. U.K. breaks off relations with Hungary.
April 10 Hungary invades Yugoslavia.
June 24 Hungary breaks off diplomatic relations with the U.S.S.R.
Dec. 13 Hungary declares war on the U.S.A.

1942

- March 7* Dr. Bardossy, Premier of Hungary resigns; March 10, Miklos Kallay succeeds him.
June 5 U.S. declares war on Bulgaria, Hungary and Rumania.

1943

- April 16* Hitler receives Admiral Horthy, Regent of Hungary.

1944

- March 18* Admiral Horthy goes to Hitler's H.Q.; March 19, German troops cross Hungarian frontier and parachute troops are landed and take over airfields; March 21, learnt that Hungarian Premier Minister, Mr. Kallay, has resigned; March 22, occupation admitted by Germans who announce formation of new Cabinet under Mr. Sztojay, former Hungarian minister in Berlin; March 24, Mr. Cordell Hull appeals to Hungarians to resist invaders.
April 19 Announced in Budapest and Bucarest that Hungarian and Rumanian shipping companies have stopped all traffic on the Danube because of mines.
July 14 Mr. Cordell Hull promises retribution for massacre of Jews in Hungary.
July 18 International Red Cross announces agreement with Hungarian Government to end deportation of Jews and allow some to leave Hungary.
Aug. 29 Russians enter Hungarian occupied part of Transylvania.
Sept. 23 Russians and Rumanians cross Hungarian frontiers at Arad.
Oct. 15 Budapest wireless announces that Admiral Horthy is asking for armistice terms; October 16, Budapest Radio declares armistice request void; Horthy resigns and Szalasy becomes Regent and "Royal Hungarian Premier".
Oct. 17 All Hungarian soldiers in Budapest ordered to return to barracks; D.N.B. states that Colonel-General Miklos, Hungarian C-in-C, has deserted to Russians.
Dec. 22 Provisional Hungarian Government set up in Russian liberated territory.
Dec. 29 Russian troops fighting in Budapest.

1945

- Jan. 20* Provisional national government of Hungary signs armistice with U.S.S.R., U.K., U.S.A., acting for the United Nations at war with Hungary.
Feb. 4 Yalta Conference—Declaration of policy towards liberated Europe.
Feb. 13 Final occupation of Budapest announced.

F. RUMANIA

1939

- April 13* British and French guarantees to Rumania and Greece.
Sept. 31 Mr. Calinescu, Rumanian Prime Minister, murdered by Iron Guard.

1940

- March 15* Iron Guard amnesty in Rumania; assurances to Western Powers, March 16.
May 31 Mr. Gafencu, Rumanian Foreign Minister, resigns; Mr. Gigurtu succeeds him.
June 26 Soviet ultimatum to Rumania; Bessarabia and Northern Bukovina demanded; Rumanian acceptance, June 27; documents published, June 28.
July 1 Rumania renounces Anglo-French guarantee.
July 4 Rumanian cabinet resigns; new cabinet under Mr. Gigurtu; Mr. Manoilescu (Iron Guard) Foreign Minister.
July 5 New Rumanian cabinet adheres to Axis system.
July 11 Rumania leaves League of Nations.
July 23 German delegation in Moscow to arrange evacuation of Bessarabian Germans.
August 16 Hungarians and Rumanians meet at Turnu-Severin to discuss Hungarian claims to Transylvania; Hungarian proposals presented; Rumanian counter-proposals, August 19.
August 19 Bulgarian and Rumanian delegates meet to arrange transfer of Southern Dobrudja.
August 21 Rumania agrees to cede Southern Dobrudja to Bulgaria.
August 24 Rumano-Hungarian negotiations broken off.
August 30 Agreement (Vienna Award) signed between Germany, Italy, Hungary and Rumania, transferring Northern Transylvania from Rumania to Hungary. Hungarians to march in, September 5-13.
Sept. 4 King Carol of Rumania gives General Antonescu plenary powers; Constitution suspended and Parliament dissolved, September 5.
Sept. 6 Abdication of King Carol in favour of Prince Michael.
Sept. 7 Southern Dobrudja agreement signed. Bulgarian occupation, September 15-30.
Sept. 15 General Antonescu's Government announced; Iron Guard only political party.
Oct. 1 Transfer of Southern Dobrudja complete.
Oct. 7 German troops enter Rumania to reorganise Rumanian Army.
Nov. 23 General Antonescu in Berlin; Rumania adheres to the Tripartite Pact; agreement on preparations for attack on Salonika by German troops based in Rumania.
Nov. 27 Iron Guard murders in Rumania; 64 'executions', including Professor Jorga, ex-Prime Minister, admitted.
Dec. 13 German troops begin moving into Rumania via Hungary.

1941

- Jan. 19* Major Döhring murdered in Bucarest; disturbances reported, January 21; Iron Guard resign, put down by Army, January 22-23, General Antonescu in control, January 24; estimated casualties, 6,000, January 26.
March 5 General Antonescu, Rumanian Premier, sees Goering in Vienna.
June 22 Rumania declares war on U.S.S.R.
July 21 Russian withdrawal beyond Dniester, involving evacuation of Bessarabia.

- Oct. 16 Russians evacuate Odessa and embark advancing troops from port; Rumanian troops march in.
- Oct. 18 General Antonescu decrees incorporation of territory between the Rivers Dniester and Bug (Transylvania).
- Dec. 6 British Government F.O. announces no reply from Hungary and Rumania to the British ultimatum of Nov. 28.
- Dec. 12 Rumania declares war on the U.S.A.

1942

- June 5 U.S.A. declares war on Bulgaria, Hungary and Rumania.

1944

- April 2 Officially announced in Moscow that Russian troops have crossed the River Pruth and entered Rumania; Mr. Molotov states that Russia has no desire to acquire territory or change social structure of Rumania.
- Aug. 23 Rumania accepts Russian Armistice terms; King Michael announces immediate cessation of hostilities, new cabinet formed by General Sanatescu, August 24, Rumanian Government issues declaration on policy; Russia calls on Rumanians to help Red Army; August 25, Rumania declares war on Germany after German violation of pledge that no hostile action would be taken; Germans divebomb and attempt to capture Baneasa air field near Bucarest; August 27, Rumanian High Command announces that all enemy resistance has ceased in Bucarest.
- Sept. 18 Soviet Information Bureau announces that Marshal Antonescu, Mihail Antonescu, Karl Clodius, German economic envoy and other Germans and Rumanian traitors have been arrested.
- Sept. 23 Russians and Rumanians cross Hungarian borders at Arad.

1945

- Feb. 4 Yalta Conference—declaration of policy towards liberated Europe.
- March 10 Announced on Moscow radio that Marshal Stalin has acceded to the request of the Rumanian Prime Minister, and has decided to restore Transylvania to Rumania.

G. BULGARIA

1940

- Aug. 19 Bulgarian and Rumanian Delegates meet to arrange transfer of Southern Dobrudja.
- Aug. 21 Rumania agrees to cede S. Dobrudja to Bulgaria.
- Sept. 7 S. Dobrudja agreement signed; Bulgarian occupation September 15-30.
- Oct. 1 Transfer of S. Dobrudja completed.
- Nov. 17 King of Bulgaria at Berchtesgaden.

1941

- Febr. 17 Turko-Bulgarian non-aggression statement on friendship and non-aggression.
- March 1 Bulgaria joins the Axis; Sobranje approves by 150 to 20; March 2 German troops in Sofia and Varna.

- March 2* Germans admit occupation of Bulgaria.
March 3 Soviet rebuke to Bulgaria.
March 13 U.K. breaks off relations with Bulgaria.
April 6 5-15 a.m. Germans invade Greece and Yugoslavia. Bulgaria invades Yugoslav territory.
April 24 Bulgaria invades Greek territory.
Sept. 10 U.S.S.R. Note to Bulgaria protesting against latter's pro-Axis policy; September 15, Sofia refutes charges; September 17, Mr. Molotov says reply not satisfactory.
Sept. 20 State of emergency declared throughout Bulgaria.
Dec. 13 Bulgaria declares war on the U.K. and the U.S.A.

1942

- June 5* U.S. declares war on Bulgaria, Hungary and Rumania.

1943

- March 31* Hitler sees King Boris.
August 28 Death of King Boris of Bulgaria; succeeded by son, Prince Simeon.
Sept. 9 German news agency announces Bulgarian Council of Regency formed, consisting of Prince Kirill, Filov, Prime Minister, and Michov, War Minister.
Sept. 14 German news agency announces formation of Bulgarian cabinet under Dr. Bogilov.

1944

- May 23* Dr. Bogilov, Bulgarian Prime Minister, resigns.
June 1 Germans announce that Bagrianov has formed new Bulgarian Government.
Aug. 17 Bagrianov, Bulgarian Prime Minister, addresses Parliament on foreign policy.
Aug. 22 Draganov, Bulgarian Foreign Minister, makes statement to Parliament.
Aug. 26 Bulgarian Government announces that Bulgaria has withdrawn from the war; German troops in Bulgaria to be disarmed; August 29, Soviet Government refuses to recognise Bulgarian neutrality.
Sept. 1 Bagrianov, Bulgarian Prime Minister, resigns.
Sept. 5 Russia declares war on Bulgaria; Constantine Murairev, new Bulgarian Prime Minister, broadcasts; Bulgaria declares war on Germany and requests armistice with Russia; September 8, Russians enter Bulgaria unopposed and occupy Varna.
Sept. 9 Moscow radio announces that Russian troops have ceased military operations in Bulgaria; U.K., U.S. and U.S.S.R. prepare peace terms for Bulgaria; new Government formed under Mr. Georgiev.
Oct. 5 Marshal Tito meets Bulgarian delegates for conversations on Anti-German collaboration and questions of mutual interest; agreement reached, October 9.
Oct. 28 Armistice with Bulgaria signed in Moscow.
Nov. 10 Bulgarians take Vefes, Yugoslavia.

1945

- Feb. 4* Yalta Conference. Declaration of policy towards liberated Europe.

H. YUGOSLAVIA

1940

- May 16* Italian reassurances to Greece and Yugoslavia.
Dec. 12 Yugoslav-Hungarian pact of 'eternal friendship' signed.

1941

- March 20* Yugoslav Cabinet meeting; four Ministers resign rather than agree to German terms (see Mar. 24, 27).
March 25 Yugoslavia signs the Tripartite Pact; Germany to respect Yugoslav sovereignty and territorial integrity and not to demand passage for troops.
March 26 Yugoslav Ministers return; widespread protests.
March 27 2 a.m. **REVOLUTION IN YUGOSLAVIA**. King Peter takes over; support from Church, armed forces, and public; new Cabinet—General Simovic, Prime Minister; Dr. Nincic, Foreign Minister; Dr. Macek remains Vice-Premier.
March 31 German and Yugoslav Ministers leave Belgrade and Berlin.
April 5 Soviet-Yugoslav pact of friendship and non-aggression signed.
April 6 5.15 a.m. **GERMANS INVADE GREECE AND YUGOSLAVIA**. Belgrade heavily and repeatedly bombed. The Italian news agency announces that the Government has decided to act, with all its forces, in close collaboration with Germany. Bulgaria invades Yugoslav territory.
April 10 Croatia proclaimed 'independent' by Germany.
Hungary invades Yugoslavia.
April 13 Germans occupy Belgrade.
April 17 Germans announce capitulation of whole Yugoslav Army.
May 15 Croatia proclaimed a kingdom at Zagreb; Duke of Spoleto proclaimed King at Rome, May 18.
July 8 Germany and Italy sign agreement in Berlin, settling new frontiers of partitioned Yugoslavia.
Dec. 14 The Croat puppet Government declares war on the U.K. and U.S.A.

1942

- Jan. 12* Resignation of General Simovic (Yugoslav Premier); Professor Yovanovic succeeds; Colonel Mihajlovic to be Minister for War.
Oct. 1 Germany formally annexes N. Slovenia and declares all the inhabitants to be German subjects.
Oct. 5 German wireless announces that Pavelic, head of Croat administration, has assumed direction of Croatian War Office and command of Croat Army.

1943

- April 27* Hitler receives Ravelic, head of puppet government of Croatia at his H.Q.
May 27 First dropping by parachute of British Liaison officers to join Partisans in Yugoslavia.
Aug. 10 Yugoslav Cabinet under M. Trifunovitch resigns; new Cabinet formed under Dr. Pozhidar Puritch.
Sept. 18 Hitler receives Nedic, Serbian Quisling Prime Minister.
Oct. 25 Announced in Cairo that General Mihailovitch has captured Kotor.
Dec. 4 Free Yugoslav Radio announces formation of Provisional Government for

Liberated Territory under Dr. Ivan Ribar; General Tito, Chairman of Committee for National Defence.

- Dec. 20* Announced in Cairo that discussions have taken place between military representatives of U.K., U.S.A. and Yugoslav Partisans; Dec. 22, General Tito raised to status of full Allied Commander.
- Dec. 22* Free Yugoslav Radio announces that Yugoslav Partisans have deprived Yugoslav Government in Cairo of all legal rights; King Peter forbidden to return to Yugoslavia till whole country is liberated.

1944

- Jan. 21* Yugoslav National Liberation Forces announce capture of Jajce.
- Jan. 26* Yugoslav national congress of Ravna Goea movement, loyal to General Mihailovitch, held in mountains on Jan. 26, 27 and 28.
- Feb. 22* Mr. Churchill reviews war in the Commons: pledge to support Marshal Tito.
- March 11* Yugoslav Ambassador in Moscow declares loyalty to Marshal Tito.
- April 12* Lt. Gen. Yolomir Terzich, leading Yugoslav military mission from Marshal Tito, arrives in Moscow.
- May 1* Military Mission from Marshal Tito arrives in London.
- May 25* German paratrooper attack Marshal Tito's Bosnian H. Q., but Tito himself and Major Randolph Churchill escape to the mountains.
- June 1* King Peter of Yugoslavia issues declaration to Serbia, Croats, and Slovenes, urging unity till war is won and stating that Dr. Ivan Subasitch, new Prime Minister, will consult all resistance movements before forming government.
- July 7* New Yugoslav Government formed by M. Subasitch, including representatives of Marshal Tito's movement.
- August 12* Mr. Churchill confers with Marshal Tito in Italy.
- Sept. 6* Russians take Turnu-Severin in Rumania and reach Yugoslav frontier.
- Sept. 17* Announced that Marshal Tito's forces have liberated nearly all Dalmatian Islands; Allied commandos land on Solta, most northerly of Islands; occupations complete, Sept. 23.
- Sept. 28* Statement issued in Moscow on relations between Red Army and Marshal Tito's forces; Red Army may enter Yugoslavia; Yugoslav National Committee to carry on civil administration on areas where Red Army is stationed.
- Oct. 1* Red Army enters Yugoslavia by agreement with Marshal Tito.
- Oct. 4* Russians capture Vladimirovac and other places in Yugoslavia, and link up with units of Yugoslav National Army of Liberation.
- Oct. 20* Belgrade and Dubrovnic liberated by Russians and Yugoslavs.
- Nov. 19* Announced British troops to land forces, Adriatic, in action in conjunction with Yugoslav troops in Herzegovina and Montenegro.

1945

- Jan. 19* Agreement on Allied military relief supplies for Yugoslavia signed between Marshal Tito and representatives of Field-Marshal Alexander, Supreme Allied C. in C., Mediterranean.
- Jan. 22* King Peter of Yugoslavia dismisses his Government in London.
- Jan. 29* Dr. Subasitch reforms Yugoslav Government, with himself as Prime Minister, Foreign Minister and War Minister. Official communique states that King Peter has decided to transfer the Royal Power to a Regency Council.
- Feb. 4* YALTA CONFERENCE. Declaration of policy towards liberated Europe, recommendations concerning establishment of new Polish Provisional Government, and formation of new Yugoslav Government on basis of agreement between Marshal Tito and Dr. Subasitch.

- Feb. 12* Yugoslav Government Information Dept. announces that the Government in agreement with King Peter, is to return immediately to Belgrade to "complete the agreed decision concerning the Regency and the formation of a single Government; leave for Belgrade February 15.
- March 5* The new Regents of Yugoslavia are sworn in; resignation of the Royal Government handed to them; Marshal Tito tenders resignation of the Committee of National Liberation to the President of the Assembly of National Liberation and is asked to form a new Government; new Government sworn in, March 7.
- April 5* Marshal Tito and Dr. Subasitch arrive in Moscow.
- April 11* A treaty of friendship, mutual aid, and post-war collaboration signed between the Soviet Union and Yugoslavia; text published April 12.
- April 30* Yugoslav forces reach Trieste; street fighting there till May 3.
- May 3* New Zealand Forces enter Trieste; May 4, Yugoslav Supreme H.Q. claims that town was cleared of enemy by Yugoslav Forces on April 30.
- May 15* The British and U.S. Ambassadors hand their Government's Notes on the question of the administration of Trieste to the Foreign Minister in Belgrade.
- May 19* In reply to the British and U.S. Notes on Trieste, Yugoslav Government claims rights of occupation of the territory which Yugoslav Army has liberated.
- May 20* Marshal Tito withdraws Yugoslav troops from Corinthia by agreement with Field-Marshal Alexander.
- June 20* An agreement fixing the line of demarcation between the Allied and Yugoslav zones of occupation in Trieste is signed by General Morgan and General Jovanovic; full agreement on Pola reached.

I. GREECE

1940

- Feb. 2* Balkan Entente—Meeting at Belgrade; 7-point communique, Feb. 4; Entente to remain neutral; Unity to be maintained and strengthened.
- August 15* Greek cruiser Helle torpedoed by unknown submarine; Italy denies responsibility, August 16.
- Oct. 28* Italian 3 a.m. ultimatum to Greece rejected; frontier crossed; Patras bombed; British help promised.
- Nov. 3* Landing of British troops on Greek territory announced.
- Nov. 19* Greeks announce Italians driven back across Kalamas; heavy fighting near Koritza.

1941

- Jan. 29* Death of General Metaxas, Greek Premier; Mr. A. Korizis succeeds.
- March 9* Italian offensive in Albania opens; Mussolini reported present. All attacks broken, March 16.
- April 6* 5.15 a.m. Germans invade Greece and Yugoslavia. King George of Hellenes calls on Greece to resist; British and Imperial forces announced in Greece. The Italian news agency announces that the government has decided to act, with all its forces, in close collaboration with Germany.
- April 18* Athens under martial law.
- April 22* Evacuation of Imperial Forces from Greece begins.
- April 23* King George of Hellenes and Greek Government go to Crete in RAF Sunderland.
- April 24* Bulgaria invades Greek territory.

- April 27* Germans enter Athens.
May 20 Germans invade Crete; bomb intensively, land 1500 troops by air; British, New Zealand and Greek forces resisting.
May 25 King George of Hellenes and Greek ministers escape from Crete, reach Egypt.
June 1 British forces withdrawn from Crete.
Oct. 11 Official Greek report of German atrocities in Crete published.

1943

- July 2* Announced in Cairo that all Greek partisans are to come under direction of Supreme Allied Command in Middle East.

1944

- July 31* Learned that Russian Military Mission has arrived in Greek mountains.
Oct. 5 British land Forces on Greek mainland and enter Patras, landing also on Greek islands.
Oct. 10 Corinth occupied by Land Forces.
Oct. 14 Athens and Piraeus liberated; Allied forces land on Corfu.
Oct. 18 Greek Government returns to Greece.
Oct. 30 Greek Government issue decree disbanding National Militia formed by E.L.A.S.
Nov. 4 Officially stated at Allied H.Q., Mediterranean that Greece now clear of German troops, except for small individual groups.

J. GERMANY

1938

- Sept. 29* Munich agreement signed by U.K., Germany, France and Italy.
Nov. 2 Vienna Award by Germany and Italy fixing frontier between Hungary and Czechoslovakia.

1939

- March 14* President Hacha summoned to Berlin; Slovakia declares its independence. Hungary invades Carpatho-Ukraine.
March 15 German troops cross the Czech frontier. Hitler proclaims the 'Protectorate of Bohemia and Moravia'.
March 16 Hitler accepts the protectorate of Slovakia.
March 22 After a German ultimatum, Lithuania formally cedes the Memel-Land to the Reich.
July 4 Italo-German agreement announced to remove South Tyrolese Germans to other parts of Italy or back to Germany; signed in Rome, October 21, 1939.
Sept. 1 Poland invaded 5.30 a.m. Hitler addresses Reichstag.
Sept. 3 British-French demand that German troops shall be withdrawn from Poland. Italy announces that she will not take the initiative in military operations. British ultimatum, expiring 11 a.m.; French ultimatum, expiring 5 p. m. State of war.
Sept. 14 Germans enter Gdynia.
Sept. 29 Soviet-German treaty of friendship, partitioning Poland.

- Oct. 7 German ministers in Estonia, Latvia and Lithuania ask foreign ministers for permission to evacuate Baltic Germans; October 8 evacuation of Reich Germans from Latvia starts; October 15,
- Oct. 7 German-Estonian agreement on transfer; October 30, German-Latvian agreement.
- Oct. 19 Hitler incorporates Western Polish area in Germany, creates Rump-State of Poland, establishes first Jewish Ghetto in Lublin.
- Nov. 8 Dr. Frank installed as Governor General of Poland.

1940

- April 9 German invasion of Denmark and Norway. In small hours, Germans cross Danish frontier; 6 landings by sea and air; Copenhagen occupied. Danish and Norwegian harbours mined. German memorandum to Denmark and Norway; strategic points to be occupied; both countries under Reich's protection.
- May 10 Germany invades Holland, Belgium and Luxembourg. Dutch and Belgian Governments appeal to France and Great Britain for help. British and French troops enter Belgium.
- May 27-28 Belgian Army capitulates midnight.
- June 14 Germans enter Paris.
- June 21 French receive armistice terms in Foch's railway carriage at Compiègne; June 22, armistice terms signed.
- Oct. 1 Course for foreigners on the "New Order" opened in Berlin.
- Oct. 7 German troops enter Rumania to reorganise Rumanian army.
- Dec. 13 German troops begin moving into Rumania via Hungary.

1941

- Jan. 10 Soviet pact signed in Berlin on frontiers and exchanges of Nationals in former Baltic States; trade agreement signed in Moscow.
- March 2 Germans admit occupation of Bulgaria.
- April 6 5.15 a.m. Germans invade Greece and Yugoslavia; Belgrade heavily and repeatedly bombed. The Italian news agency announces that the Government has decided to act, with all its forces, in close collaboration with Germany.
- April 13 Germans occupy Belgrade.
- April 17 Germans announce capitulation of whole Yugoslav army.
- June 22 4 a.m. Germany invades U.S.S.R.
- July 1 Germans capture Riga, reach R. Beresina.
- July 8 Germany and Italy sign agreement in Berlin, settling new frontiers of partitioned Yugoslavia.
- Aug. 28 Russians evacuate Dniepropetrovsk; destruction of Dnieper Dam announced.
- Sept. 25 Germans attack Crimea using parachute troops.
- Dec. 11 Italy and Germany declare war on U.S.; Congress declares war against both and votes despatch of U.S. forces to any part of the world.

1942

- Aug. 13 German advance continues in Caucasus to Mineralniye Vodi.
- Aug. 31 Germans claim to be within 15 miles of Stalingrad on S.W. front.
- Sept. 1 Germans claim to have reached Black Sea and to have captured Anapa.
- Oct. 1 Germany formally annexes N. Slovenia and declares all inhabitants to be German subjects.

- Nov. 11* German troops enter unoccupied France and take possession of Vichy and other centres. Hitler sends message to Petain and French Nation. Petain protests against violation of armistice. German and Italian troops occupy Corsica.
- Nov. 27* German forces enter Toulon; Hitler's letter to Petain giving reasons for German action. French warships in harbour are scuttled by their crews.

1943

- Feb. 2* At Stalingrad, remaining German forces capitulate.
- April 20* Massacre in Warsaw Ghetto begins; April 23, Himmler orders complete combing out of Ghetto "with utmost severity". May 16, large scale activity ends; extermination of 56,000 Jews certain.
- April 29* German radio announces that all officers, NCO's and men of former Netherlands army in Holland are to register.

1944

- March 1* Saukel, German Director General of Labour, at conference of Central Planning Board for 4 year plan, states that out of 5 million foreign workers in Germany only 200,000 are volunteers.
- June 6* D Day. Allied naval forces, supported by strong air forces, begin landing Allied armies on Northcoast of France.
- July 20* Attempt to kill Hitler with bomb carried into meeting at Rasdenburg, his H.Q. in East Prussia, by von Stauffenburg, Chief of Staff of Home Army; at 3.30 p.m. plotters at Berlin War Ministry, led by General Beck, send out message to Army Commanders announcing Hitler's death; subsequent news of his survival disorganise plans; Beck, Stauffenburg and others shot at War Ministry during the night; July 21, Hitler, Goering and Doenitz broadcast revealing plot by army to assassinate Hitler and make peace; Himmler to command Home Army.
- July 31* Russians on third Baltic front take Mitau; street fighting in Kaunas.
- Sept. 13* General Eisenhower calls to foreign workers in Germany to leave the factories and go into hiding; September 25, message to foreign workers organised for resistance in Germany to use means provided for active resistance wisely.
- Oct. 18* Conscription of all able-bodied German men between 16 and 60 for formation of Volksturm for defence of Germany.
- Oct. 23* Russians enter East Prussia.

1945

- Jan. 28* Russians cross frontier into Pomerania.
- April 25* Russian and U.S. forces meet at Torgau, on the Elbe.
- April 29* Terms of surrender of German Armies in Italy at Caserta; May 1, German H.Q. agrees to unconditional surrender.
- April 30* Hitler commits suicide, with Eva Braun, in a bunker of Reich Chancellery in Berlin; bodies subsequently burned.
- May 1* Hamburg radio announces that Hitler has fallen in Berlin fighting for Germany; nominate Admiral Doenitz as successor.
- May 7* Unconditional surrender of Germany to Western Allies and Russia; operations to cease 23,01 hours (Central European time) May 8.
- June 5* The military representatives of the 4 powers sign declaration on the defeat of Germany and the assumption of supreme authority by their Governments; Germany, within her frontiers of December 31, 1937, is to be divided into

- July 17 4 zones, one to be allotted to each power; "Greater Berlin" to be jointly occupied. Potsdam Conference; August 2, report of Conference published; includes agreement on Council of Foreign Ministers, on political and economic principles to govern treatment of Germany during control period, statements on Berlin and on conclusion of peace treaties with satellites.

K. SPAIN

1936

- July 17 Military rebellion breaks out in Spanish Morocco.
July 18 The rebellion spreads to the whole of Spain.
July 19 Formation of the Giral Government.
July 20 General Sanjurjo, Rebel leader, killed in an airplane accident. Generals Franco and Mola become the leaders of the movement.
July 26 Formation of a Rebel Government at Burgos under the Presidency of General Cabanellas.
Sept. 4 Formation in Madrid of the Largo Caballero Government.
Sept. 28 The Rebels enter Toledo.
October 1 Franco appointed Commander-in-Chief of the Rebel Army and Head of the Spanish State.
Nov. 6 The Republican Government leaves Madrid for Valencia.
Nov. 18 Germany and Italy recognises the Burgos Government.

1937

- May 17 Formation of the Negrin Government.
June 3 Death of General Mola, Head of the Northern Rebel Army.
June 19 Bilbao falls into Rebel hands.
Oct. 21 Entry of the Rebels into Gijon, bringing to an end the battle for the North.

1938

- March 6 The cruiser *Baleres*, belonging to the Rebel fleet, sunk off Carthagena.
March 27 Franco troops penetrate into Catalonia.
May 26 A new control plan concerning the Spanish conflict is adopted unanimously, with the exception of the USSR, by the Non-Intervention Committee in London.
June 13 Franco troops penetrate into the province of Castellon.
June 16 The 43rd Republican Division, which had been encircled at Bielsa, crosses the French frontier by the Reiumajou Pass.
July 5 The Non-Intervention Committee adopts the British plan for the withdrawal of foreign volunteers, the re-establishment of control in the Mediterranean and the ultimate recognition of the right of belligerency.
July 24 The Spanish Government accepts the principle of the plan for the withdrawal of foreign volunteers.
July 16 The Negrin Cabinet resigns.
Nov. 29 M. Spaak announces in the Belgian Senate his intention of sending a trade representative to Burgos.
Dec. 1 The Governments of the Spanish Republic and Belgium recall their respective representatives.

- Dec. 22 Franco does not accept the plan for the withdrawal of volunteers.
- Dec. 30 Naval battle off Gibraltar between the Republican destroyer José Luis Diaz and the rebel cruiser Canarias.

1939

- Jan. 25 The Republican Government moves from Barcelona to Figueras.
- Feb. 5 The President of the Spanish Republic, Senor Azana, the President of the Cortes, Senor Martinez Barrios, and the President of the Generality of Catalonia, Senor Companys, cross the French frontier at the Las Illas Frontier Post. Part of the Negrin Government leaves for Valencia.
- Feb. 6 The Franco troops reach the French frontier at Port-Bou.
- Feb. 9 Senor Negrin establishes the Republican Government in Madrid.
- Feb. 10 All political parties are dissolved in Franco Spain. The Franco Government is recognised *de jure* by Switzerland.
- Feb. 14 The Berard-Jordana Agreement.
- Feb. 25 France and Britain recognise the Franco Government.
- Feb. 27 The Republican Ministers leave Madrid.
- March 1 M. Petain is appointed Ambassador in Burgos.
- March 5 A defence Council replaces the Negrin Government in Madrid.
- March 6 Senor Negrin takes refuge in France.
- March 18 The Madrid Defence Council makes peace overtures to Franco.
- March 20 Franco is recognised by Belgium.
- March 25 The Spanish Fleet, which has taken refuge in Bizerta, is to be handed over to Franco.
- March 27 Franco Spain signs the Anti-Comintern Pact.
- April 1 A communiqué by Franco announces the end of the civil war. The United States recognise the Franco Government *de jure*.

CHAPTER XXIX

ANNEX I TO THE IRO CONSTITUTION

DEFINITIONS

GENERAL PRINCIPLES

1. The following general principles constitute an integral part of the definitions as laid down in Parts I and II of this Annex.

(a) The main object of the Organization will be to bring about a rapid and positive solution of the problem of *bona fide* refugees and displaced persons, which shall be just and equitable to all concerned.

(b) The main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin, having regard to the principles laid down in paragraph (c) (ii) of the resolution adopted by the General Assembly of the United Nations on 12 February 1946 regarding the problem of refugees (Annex III).

(c) As laid down in the resolution adopted by the Economic and Social Council on 16 February 1946, no international assistance should be given to traitors, quislings and war criminals, and nothing should be done to prevent in any way their surrender and punishment.

(d) It should be the concern of the Organization to ensure that its assistance is not exploited in order to encourage subversive or hostile activities directed against the Government of any of the United Nations.

(e) It should be the concern of the Organization to ensure that its assistance is not exploited by persons in the case of whom it is clear that they are unwilling to return to their countries of origin because they prefer idleness to facing the hardships of helping in the reconstruction of their countries, or by persons who intend to settle in other countries for purely economic reasons, thus qualifying as emigrants.

(f) On the other hand it should equally be the concern of the Organization to ensure that no *bona fide* and deserving refugee or displaced person is deprived of such assistance as it may be in a position to offer.

(g) The Organization should endeavour to carry out its functions in such a way as to avoid disturbing friendly relations between nations. In the pursuit of this objective, the Organization should exercise special care in cases in which the re-establishment or re-settlement of refugees or displaced persons might be contemplated, either in countries contiguous to their respective countries of origin or in non-self-governing countries. The Organization should give due weight, among other factors, to any evidence of genuine apprehension and concern felt in regard to such plans, in the former case, by the country of origin of the persons involved, or, in the latter case, by the indigenous population of the non-self-governing country in question.

2. To ensure the impartial and equitable application of the above principles and of the terms of the definition which follows, some special system of semi-judicial machinery should be created, with appropriate constitution, procedure and terms of reference.

PART I

REFUGEES AND DISPLACED PERSONS WITHIN THE MEANING OF THE RESOLUTION ADOPTED BY THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS ON 16 FEBRUARY 1946

Section A. — Definition of Refugees

1. Subject to the provisions of sections C and D and of Part II of this Annex, the term "refugee" applies to a person who has left, or who is outside of, his country of nationality or of former habitual residence, and who, whether or not he had retained his nationality, belongs to one of the following categories :

- (a) victims of the nazi or fascist regimes or of regimes which took part on their side in the second world war, or of the quisling or similar regimes which assisted them against the United Nations, whether enjoying international status as refugees or not;
- (b) Spanish Republicans and other victims of the Falangist regime in Spain, whether enjoying international status as refugees or not;
- (c) persons who were considered "refugees" before the outbreak of the second world war, for reasons of race, religion, nationality or political opinion.

2. Subject to the provisions of sections C and D and of Part II of this Annex regarding the exclusion of certain categories of persons, including war criminals, quislings and traitors, from the benefits of the Organization, the term "refugee" also applies to a person, other than a displaced person as defined in Section B of this Annex, who is outside of his country of nationality or former habitual residence, and who, as a result of events subsequent to the outbreak of the second world war, is unable or unwilling to avail himself of the protection of the Government of his country of nationality or former nationality.

3. Subject to the provisions of section D and of Part II of this Annex, the term "refugee" also applies to persons who, having resided in Germany or Austria, and being of Jewish origin or foreigners or stateless persons, were victims of nazi persecution and were detained in, or were obliged to flee from, and were subsequently returned to, one of those countries as a result of enemy action, or of war circumstances, and have not yet been firmly re-settled therein.

4. The term "refugee" also applies to unaccompanied children who are war orphans or whose parents have disappeared, and who are outside their countries of origin. Such children, 16 years of age or under, shall be given all possible priority assistance, including, normally, assistance in repatriation in the case of those whose nationality can be determined.

Section B. — Definition of Displaced Persons

The term "displaced person" applies to a person who, as a result of the actions of the authorities of the regimes mentioned in Part I, section A, paragraph 1 (a) of this Annex has been deported from, or has been obliged to leave his country of nationality or of former habitual residence, such as persons who were compelled to undertake forced labour or who were deported for racial, religious or political reasons. Displaced persons will only fall within the mandate of the Organization subject to the provisions of sections C and D of Part I and to the provisions of Part II of this Annex. If the reasons for their

displacement have ceased to exist, they should be repatriated as soon as possible in accordance with Article 2, paragraph 1 (a) of this Constitution, and subject to the provision of paragraph (c), sub-paragraphs (ii) and (iii) of the General Assembly resolution of 12 February 1946 regarding the problem of refugees (Annex III).

Section C. — Conditions under which "Refugees" and "Displaced Persons" will become the Concern of the Organization

1. In the case of all the above categories except those mentioned in section A, paragraphs 1 (b) and 3 of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council on 16 February 1946 if they can be repatriated, and the help of the Organization is required in order to provide for their repatriation, or if they have definitely, in complete freedom and after receiving full knowledge of the facts, including adequate information from the Governments of their countries of nationality or former habitual residence, expressed valid objections to returning to those countries.

(a) The following shall be considered as valid objections :

- (i) Persecution, or fear, based on reasonable grounds of persecution because of race, religion, nationality or political opinions, provided these opinions are not in conflict with the principles of the United Nations, as laid down in the Preamble of the Charter of the United Nations;
- (ii) objections of a political nature judged by the Organization to be "valid", as contemplated in paragraph 8 (a)¹ of the report of the Third Committee of the General Assembly as adopted by the Assembly on 12 February 1946;
- (iii) in the case of persons falling within the category mentioned in section A, paragraphs 1 (a) and 1 (c) compelling family reasons arising out of previous persecution, or compelling reasons of infirmity or illness.

(b) The following shall normally be considered "adequate information" : information regarding conditions in the countries of nationality of the refugees and displaced persons concerned, communicated to them directly by representatives of the Governments of these countries, who shall be given every facility for visiting camps and assembly centres of refugees and displaced persons in order to place such information before them.

2. In the case of all refugees falling within the terms of section A, paragraph 1 (b) of this Annex, persons will become the concern of the Organization in the sense of the resolution adopted by the Economic and Social Council of the United Nations on 16 February 1946, so long as the Falangist regime in Spain continues. Should that regime be replaced by a democratic regime they will have to produce valid objections against returning to Spain corresponding to those indicated in paragraph 1 (a) of this section.

Section D. — Circumstances in which Refugees and Displaced Persons will cease to be the Concern of the Organization

Refugees or displaced persons will cease to be the concern of the Organization :

(a) when they have returned to the countries of their nationality in United Nations territory, unless their former habitual residence to which they wish to return is outside their country of nationality; or

¹ Paragraph 8 (a) : "In answering the representative of Belgium, the Chairman stated that it was implied that the international body would judge what were, or what were not, 'valid objections'; and that such objections clearly might be of a political nature."

- (b) when they have acquired a new nationality; or
- (c) when they have, in the determination of the Organization become otherwise firmly established; or
- (d) when they have unreasonably refused to accept the proposals of the Organization for their re-settlement or repatriation; or
- (e) when they are making no substantial effort towards earning their living when it is possible for them to do so, or when they are exploiting the assistance of the Organization.

PART II

PERSONS WHO WILL NOT BE THE CONCERN OF THE ORGANIZATION

1. War criminals, quislings and traitors.
2. Any other persons who can be shown :
 - (a) to have assisted the enemy in persecuting civil populations of countries, Members of the United Nations; or
 - (b) to have voluntarily assisted the enemy forces since the outbreak of the Second World War in their operations against the United Nations.¹
3. Ordinary criminals who are extraditable by treaty.
4. Persons of German ethnic origin, whether German nationals or members of German minorities in other countries, who :
 - (a) have been or may be transferred to Germany from other countries;
 - (b) have been, during the Second World War, evacuated from Germany to other countries;
 - (c) have fled from, or into, Germany, or from their places of residence into countries other than Germany in order to avoid falling into the hands of Allied armies.
5. Persons who are in receipt of financial support and protection from their country of nationality, unless their country of nationality requests international assistance for them.
6. Persons who, since the end of hostilities in the Second World War :
 - (a) have participated in any organization having as one of its purposes the overthrow by armed force of the Government of their country of origin, being a Member of the United Nations; or the overthrow by armed force of the Government of any other Member of the United Nations, or have participated in any terrorist organization;
 - (b) have become leaders of movements hostile to the Government of their country of origin being a Member of the United Nations or sponsors of movements encouraging refugees not to return to their country of origin;
 - (c) at the time of application for assistance, are in the military or civil service of a foreign State.

¹ Mere continuance of normal and peaceful duties, not performed with the specific purpose of aiding the enemy against the Allies or against the civil population of territory in enemy occupation, shall not be considered to constitute "voluntary assistance". Nor shall acts of general humanity, such as care of wounded or dying, be so considered except in cases where help of this nature given to enemy nationals could equally well have been given to Allied nationals and was purposely withheld from them.

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INTERNATIONAL REFUGEE ORGANIZATION
MANUAL FOR ELIGIBILITY OFFICERS

(Note: The cases quoted in this manual are cases that have been decided by the Review Board: the wording of the decisions is nearly always a summary or an extract from the decisions as written by the Review Board. The numbers of the cases (e.g. Geneva 1624) are the Review Board reference numbers.)

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b

Arolsen, den 14. Januar 1987
cb/JK

A K T E N N O T I Z

über den Besuch von:

Herrn Dr. Black, Department of Justice, Washington, vom 6. Januar 1987 bis 12. Januar 1987

Frau Dr. Birn, Auslandsmitarbeiterin des Department of Justice, Tübingen und Frau Dr. Marquardt, Amerikanische Botschaft in Bonn

Gesprächsteilnehmer seitens des ISD: Herr Siebel
Herr Biedermann

Herr Dr. Black, der zum erstenmal den Internationalen Suchdienst besuchte, erwies sich als großer Kenner unseres Archivs. Durch langjährige Tätigkeit für das Department of Justice und zahlreiche Telefongespräche, auch mit meinem Vorgänger, Herrn Dr. Züger, konnte er bereits nach kurzer Führung mit den geplanten Arbeiten im Besucherzimmer beginnen.

Herr Dr. Black hatte den Auftrag, einige heute in den USA lebende Personen in bezug auf Konzentrationslager-Aufenthalt im Dritten Reich zu überprüfen. Es handelt sich um Personen, die früher fälschlicherweise als DP's (DP-Status hätte nicht zuerkannt werden dürfen) nach Amerika ausgewandert sind.

Vorwiegend mußten dazu Unterlagen aus dem ehemaligen Konzentrationslager Mauthausen/Außenkommando "Schlier Redl-Zipf" und Natzweiler/Kommando Vaihingen eingesehen werden.

Beiliegend eine Liste der von Herrn Dr. Black gewünschten Kopien, die aus dem entsprechenden Ordnermaterial der obengenannten Konzentrationslager in der Abteilung Konzentrationslager-Dokumente herausgesucht wurden.

In einem Gespräch mit Frau Dr. Birn und Frau Dr. Marquardt unterbreitete Herr Dr. Black dem Internationalen Suchdienst die Frage, ob in Zukunft Frau Dr. Birn an seiner statt beim ISD Untersuchungen vornehmen dürfe. Nach seiner Ansicht würden folgende Bedingungen seinerseits eingehalten:

1. Vorwiegend kommen Unterlagen allgemeiner Art in Frage.
2. Sofern personenbezogene Unterlagen herangezogen werden müßten, dann nur vom KL-Bereich
 - zwecks Feststellung, ob bestimmte Personen damals dort waren
 - wo diese Personen heute verblieben sind (über die T/D - Fallablage)

3. Die Antworten würden immer vom Internationalen Suchdienst direkt an das Department of Justice gegeben.

Der Unterzeichnete gab zu bedenken, daß Unterlagen allgemeiner Art beim ISD nur spärlich vorhanden sind.

Sofern personenbezogene Unterlagen für die Ermittlungen herangezogen werden müßten, diese ohnehin nur durch ISD-Mitarbeiter herausgesucht werden können. Die einzige Frage die Frau Dr. Birn danach selbstständig abklären könnte, wäre die Überprüfung der Listen auf Präsenz von ehemaligen Verfolgten in Konzentrationslagern. Die weitere Frage über den heutigen Verbleib wäre wiederum nur durch Rückfragen seitens des ISD oder das Department of Justice möglich.

Herr Dr. Black konnte sich diesen Überlegungen anschließen und erklärte sich damit einverstanden, daß in Zukunft wie bisher verfahren werden soll:

1. Fallanfragen:

Die Einzelanfragen gehen von Washington direkt an den Internationalen Suchdienst, welcher im Rahmen der normalen Fallbearbeitung die Fragen zu klären versucht

- bei Einzelanfragen reicht telefonische Übermittlung
- bei Sammelanfragen schriftliche Übermittlung

2. Bei der Feststellung von Haft einzelner ehemaliger Verfolgter im Konzentrationslager-Listenmaterial

- bei vertretbarem Aufwand durch ISD-Personal
- in Ausnahmefällen und bei größerem Arbeitsaufwand Mitarbeit von Frau Dr. Birn (Ausspruch von Herrn Dr. Black: nur im Notfall und in Vertretung)

3. Dokumente allgemeiner Art:

Da dies für das Department of Justice ohnehin das weniger interessante Material darstellt und der ISD nur über Dokumente in beschränkter Anzahl verfügt (nur für Lokalisierungen im Zusammenhang mit der T/D-Fallbearbeitung) wendet sich Herr Black bei Bedarf direkt an die entsprechenden Archive.

Anlässlich seines Besuches in Arolsen übergab Herr Dr. Black dem Unterzeichneten einen Bericht "MANUEL FOR ELIGIBILITY OFFICERS/ International Refugee Organization", dessen Existenz dem ISD bis heute unbekannt war.

Beilage, erwähnt



cc Herr Siebel

Die Aufgaben werden durch den Internationalen Ausschuss für die Untersuchung von Verbrechen gegen die Menschlichkeit im Rahmen des Internationalen Strafgerichtshofes (IStGH) erfüllt.

Der Ausschuss hat die Aufgabe, die Untersuchungen durchzuführen und die Ergebnisse zu veröffentlichen. Die Untersuchungen werden durch den Ausschuss durchgeführt und die Ergebnisse werden veröffentlicht. Die Untersuchungen werden durch den Ausschuss durchgeführt und die Ergebnisse werden veröffentlicht.

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1. Aufgaben:
- Die Hauptaufgabe des Ausschusses ist die Untersuchung von Verbrechen gegen die Menschlichkeit, die im Rahmen des IStGH begangen wurden.
- Der Ausschuss hat die Aufgabe, die Untersuchungen durchzuführen und die Ergebnisse zu veröffentlichen.

2. Bei der Festlegung von Haft einheiten ebenfalls Verbrechen im Konzentrationslager-System:
- Die Hauptaufgabe des Ausschusses ist die Untersuchung von Verbrechen gegen die Menschlichkeit, die im Rahmen des IStGH begangen wurden.

- Die Hauptaufgabe des Ausschusses ist die Untersuchung von Verbrechen gegen die Menschlichkeit, die im Rahmen des IStGH begangen wurden.
- In besonderen Fällen und bei großer Arbeitslast wird die Hilfe von Herrn Dr. Storz (Assistent von Herrn Dr. Storz) nur im Notfall und in Vertretung.

3. Dokumente allgemein:
- Die Hauptaufgabe des Ausschusses ist die Untersuchung von Verbrechen gegen die Menschlichkeit, die im Rahmen des IStGH begangen wurden.
- Die Hauptaufgabe des Ausschusses ist die Untersuchung von Verbrechen gegen die Menschlichkeit, die im Rahmen des IStGH begangen wurden.

Anlässlich seines Besuchs in London, England, hat Herr Dr. Storz den Internationalen Ausschuss für die Untersuchung von Verbrechen gegen die Menschlichkeit im Rahmen des Internationalen Strafgerichtshofes (IStGH) besucht. Die Hauptaufgabe des Ausschusses ist die Untersuchung von Verbrechen gegen die Menschlichkeit, die im Rahmen des IStGH begangen wurden.

Herr Dr. Storz

2

zu Herrn Storz

