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Book Notes

HISTORY OF THE UNITED NATIONS WAR CRIMES COMMISSION AND THE DEVELOPMENT OF THE LAWS OF WAR. Compiled by the United Nations War Crimes Commission. London: His Majesty's Stationery Office, 1948. Pp. xx, 592. 30 shillings.

LAW REPORTS OF TRIALS OF WAR CRIMINALS. Selected and prepared by the United Nations War Crimes Commission. London: His Majesty's Stationery Office, 1947 *et seq.* 15 vols. of approximately 100 pp. each. Vol. I, 2s. 6d.; Vol. II, 3s.; Vols. III *et seq.*, 5s. each.

The United Nations War Crimes Commission was an international body with its seat at London which antedated in its creation the formal organization of the United Nations. It was set up in 1943 by informal agreement between the participating governments and consisted of representatives of Australia, Belgium, Canada, China, Czechoslovakia, Denmark, France, Greece, India, Luxembourg, the Netherlands, New Zealand, Norway, Poland, the United Kingdom, the United States and Yugoslavia. Until January 1945 it operated under the chairmanship of Sir Cecil J. B. Hurst, formerly President of the Permanent Court of International Justice. Thereafter the chairman was Lord Wright of Durley, a Lord of Appeal in Ordinary. A Far Eastern and Pacific Sub-Commission was established at Chungking in 1944 under the chairmanship of Dr. Wang Chung Hui, Secretary-General of the Supreme National Defense Council of China. The Commission provided a forum for discussion of the laws of war and their application to the events of World War II, prepared research papers on those laws, and facilitated international cooperation in the identification, apprehension, extradition and trial of violators of the laws of war. At the Commission's suggestion the member nations set up national war crimes offices which investigated alleged war crimes and reported the names and offenses of reputed offenders to the Commission. The Commission screened these reports and published lists of wanted offenders which were used in the apprehension and extradition of the offenders. The Commission's studies and recommendations were instrumental in establishing the international tribunals which tried major war criminals at Nuremberg and Tokyo. The Commission was wound up in March 1948 but its publishing activities have been continued by Lord Wright and a small staff.

The *History* is much more than an account of the United Nations War Crimes Commission and its work. It contains an outline of the development of the laws of war prior to World War I, an account of their development during World War I and between the World Wars, and a study of the growth in the concept of war crimes during World War II. The actual arrangements for apprehension, extradition and trial of war offenders after World War II are described in detail and the development of the laws of war by the two international

tribunals and the many national tribunals which tried lesser offenders are discussed at length. The extent of the World War II war crimes effort is shown by statistical tabulations. Not the least of the merits of the *History* is an excellent comprehensive bibliography of legal literature on War Crimes in World War II, prepared by Mr. George Brand, editor of the English Law Reports.

The *Law Reports of Trials of War Criminals*, prepared under the general editorship of Mr. Brand, eleven volumes of which have so far appeared, are to contain accounts of 122 cases selected for their importance in the development of the laws of war from among more than a thousand tried by national tribunals of the various Allied nations. Each case report includes an outline of the pleadings, an account of the trial, including the evidence on both sides, the decision, the opinion of the tribunal if one was handed down, and notes on the legal problems involved and decided. Details of the various national regulations governing the composition, jurisdiction and procedure of war crimes tribunals are carried in appendices.

The great effort expended in trying World War II violators of the laws of war can scarcely be justified by mere vengeance. Only the establishment of precedents clearly defining the application of the laws of war to modern situations warranted the endeavor. The precedents are of small value unless published in such form as to be available to legal scholars and to deter future possible offenders. Recognizing this, the Nuremberg and Tokyo tribunals have published elaborate accounts of their work. That work included only a small fraction of the thousands of war offenders who were tried and did not involve decision of some of the most important and vexing problems in the law of war. The publications under review make a major contribution to the knowledge and effectiveness of the modern law of war by offering a lucid and comprehensive account of its development and application after World War II. The purpose served by these publications is beautifully stated by Lord Wright in his thoughtful Foreword to the *History*:

“Over the whole earth there seems to hang a black storm cloud of war under which the nations cower. If the storm breaks and the waves of war beat against the lands, the power of law is not likely to sweep back the ocean, but the atrociousness of the tempest may be weakened in some degree by the effect of the lessons and rules derived from the last war. Even in the fury of the passions the small still voice of justice and of conscience may, however faintly, be heard, if prudence and humanity are of no avail even in this boasted age of civilisation.”

WILLIAM F. FRATCHER