

## 57. SURRENDER OF WAR CRIMINALS

On February 13, 1946, the Assembly recommended that Member States take necessary measures to arrest war criminals and to send them back for trial and punishment to the countries where they perpetrated the deeds of which they were accused.

At the Assembly session of 1947, Yugoslavia requested the insertion in the agenda of an item concerning the "recommendations to be made to ensure the surrender of war criminals, traitors and quislings" and it presented a draft resolution on the subject. The draft resolution considered the "factual state" of affairs in the light of the Assembly's resolution of February 13, 1946, regretted that certain governments were not carrying out this resolution and, in the most vigorous terms, "called upon" all Member States, and states applying for United Nations membership, to hand over war criminals and to conclude bilateral agreements to this effect and to live up to these agreements.

When the subject was discussed in the Legal Committee, the Yugoslav, Soviet, Ukrainian, Byelorussian, and Polish delegations cited a number of instances where war criminals were alleged to have been protected by the United Kingdom, the United States, France and Italy. The debate, far from being juridical, consisted mainly of accusations and denials between these two groups of states. In the event, the Legal Committee, and subsequently the Assembly, refused to judge the allegations and on October 31, 1947, the Assembly adopted, by a vote of 42 in favour and 7 against, what had originally been a United Kingdom proposal. By this resolution the Assembly reaffirmed its resolution of February 13, 1946, on war criminals and recommended that Members continue with "unabated energy" to carry out their responsibilities in this respect. The Assembly also recommended to those Members seeking the surrender of alleged war criminals that they request their surrender as soon as possible and support their request with "sufficient evidence to establish that a reasonable *prima facie* case exists as to identity and guilt".<sup>1</sup>

<sup>1</sup>The full text of this resolution is given in Appendix V, G, p. 264.