

# **Gli Stati Uniti chiedono l'accesso agli archivi delle Nazioni Unite sui criminali di guerra nell'ambito dell'inchiesta sui nazisti**

**di ROBERT PEAR (28 marzo 1980 - Speciale del New York Times)**

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titolo alternativo:

**Nazisti: L'ONU respinge la richiesta degli Stati Uniti di utilizzare i file nella caccia ai crimini di guerra - St. Louis Post-Dispatch (31 marzo 1980 - New York Times News Service)**

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WASHINGTON, 27 marzo - Funzionari americani hanno chiesto l'accesso agli archivi delle Nazioni Unite che ritengono possano essere utili nelle indagini federali su presunti criminali di guerra nazisti. Ma i funzionari delle Nazioni Unite hanno respinto la richiesta, citando le regole dell'organizzazione internazionale.

I documenti richiesti dagli investigatori del Dipartimento di Giustizia sono stati tenuti segreti per oltre 30 anni. Fanno parte dei file "riservati" della Commissione per i crimini di guerra delle Nazioni Unite, una commissione internazionale istituita dalle nazioni alleate nel 1943, prima che venissero fondate le Nazioni Unite. Lo scopo della commissione era quello di raccogliere e indagare sulle prove dei crimini di guerra.

Secondo le norme che regolano l'accesso ai documenti della Commissione per i crimini di guerra, i file "possono essere ispezionati e utilizzati solo per scopi ufficiali delle Nazioni Unite", previo accordo dei funzionari delle Nazioni Unite. In effetti, ciò significa che i documenti non sono disponibili a nessuno al di fuori del Segretariato.

Un indice dei documenti mostra che ci sono 42 piedi lineari di documenti che forniscono dettagli sulle accuse presentate dagli Stati membri contro "circa 40.000 criminali di guerra tedeschi, italiani, albanesi, bulgari, ungheresi, rumeni e giapponesi", oltre ai nomi dei testimoni materiali dei crimini.

In una dichiarazione allegata all'indice dagli archivisti delle Nazioni Unite si legge che "solo una piccola parte delle persone elencate come criminali di guerra dalla commissione è stata perseguita".

Michael Palumbo, uno storico di Brooklyn che sta lavorando a un libro sull'*"Olocausto di Mussolini"*, la storia delle atrocità del fascismo italiano nei Balcani e in Africa, si è detto stupito di scoprire che "in 30 anni non è stato fatto nulla riguardo a questi documenti".

"Che senso ha avere i fascicoli", si è chiesto, "se poi non sono disponibili né per gli studiosi né per i pubblici ministeri?".

L'esistenza dei file sui crimini di guerra è nota solo a poche persone. Simon Wiesenthal, il cacciatore di nazisti, ha dichiarato in un'intervista telefonica da Vienna di non aver mai utilizzato gli archivi della commissione e di non sapere che tali documenti fossero conservati presso le Nazioni Unite.

Lo svedese Alf Erlandsson, archivista capo delle Nazioni Unite, e John F. Scott, direttore dell'Ufficio di consulenza legale, hanno detto che ci sono state poche richieste di accesso agli archivi della Commissione da quando sono stati affidati alle Nazioni Unite nel 1949. Erlandsson ha detto che gli archivi sono stati aperti a un Paese membro solo una volta negli ultimi 30 anni: a Israele, per il processo ad Adolf Eichmann nel 1962. Ciò è avvenuto con un permesso speciale del Segretariato.

Una proposta di norma che avrebbe reso i fascicoli disponibili ai governi membri su richiesta è stata eliminata nel 1949 su insistenza di Ivan Kerno della Cecoslovacchia, allora assistente del Segretario generale incaricato degli affari legali. Egli era preoccupato per il fatto che i sospetti non erano stati informati delle accuse contro di loro e che le prove non erano state valutate da un tribunale.

Nell'ultimo mese, c'è stato un nuovo interesse per gli archivi da parte di due fonti distinte: la Missione degli Stati Uniti presso le Nazioni Unite, che ha chiesto l'accesso per conto del Dipartimento di Giustizia, e Palumbo, che ha condotto una campagna privata per l'accesso ai file.

La Hellenic Freedom Foundation, un'organizzazione di greci americani, incoraggia Palumbo nel suo lavoro e sostiene la sua richiesta alle Nazioni Unite. La fondazione è interessata alle attività dei fascisti italiani in Grecia durante la Seconda guerra mondiale.

Le Nazioni Unite, costituite a San Francisco nel 1945, hanno acquisito i documenti dopo la chiusura della Commissione per i crimini di guerra nel 1948.

Scott ha spiegato che gli Stati Uniti o qualsiasi altro Paese membro che volesse accedere ai file potrebbe sollevare la questione in Assemblea Generale e chiedere un cambiamento delle regole. I funzionari del Dipartimento di Giustizia e del Dipartimento di Stato hanno dichiarato di non aver ancora deciso la loro prossima mossa.

Palumbo e James F. Demos della Hellenic Freedom Foundation stanno facendo pressioni per ottenere il sostegno di una risoluzione all'Assemblea Generale.

Earl W. Kintner, un avvocato di Washington che è stato vice rappresentante degli Stati Uniti presso la Commissione per i crimini di guerra, si è detto sicuro che gli archivi contengano informazioni non disponibili da altre fonti.

Il deputato Lester L. Wolff, D-N.Y., ha dichiarato che intende sponsorizzare una risoluzione al Congresso per sollecitare le Nazioni Unite a rendere gli archivi disponibili al pubblico. Il senatore Max Baucus, D-Mont, ha dichiarato attraverso un portavoce che anche lui si sarebbe adoperato per ottenere l'accesso del Dipartimento di Giustizia. Un'unità speciale del Dipartimento, diretta da Walter J. Rockler, sta cercando di trovare e deportare i criminali di guerra nazisti che vivono negli Stati Uniti.

Palumbo ha affermato che le regole delle Nazioni Unite violano lo scopo fondamentale della Commissione per i crimini di guerra, che è quello di mettere le prove a disposizione dei Paesi membri affinché perseguano i criminali di guerra.

Ha detto che alcuni funzionari americani erano a conoscenza dei documenti della Commissione anni fa, ma non hanno fatto un serio tentativo di accedervi. Un funzionario ha fatto riferimento agli atti in un dibattito del Consiglio di Sicurezza sul caso Eichmann nel 1960.

I memorandum interni delle Nazioni Unite mostrano che le regole, nella loro stesura originaria, consentivano l'uso dei file della commissione "su richiesta ufficiale scritta di uno Stato membro delle Nazioni Unite". Sia il presidente della commissione, il britannico Lord Wright, sia il funzionario legale, il polacco J.J. Litawski, "espressero soddisfazione" per questa regola, secondo un memorandum del 1949 inviato ad Adrian Felt, allora assistente del Segretario generale.

Le prove contenute nei fascicoli potrebbero non essere così crude come credevano Kern e altri funzionari delle Nazioni Unite. Nella maggior parte dei casi, le prove sono state valutate da un gruppo internazionale di esperti legali che hanno trovato un caso prima facie prima di elencare una persona come criminale di guerra. Un caso prima facie è un caso il cui merito è considerato sufficiente per sostenere un'incriminazione.

La commissione, secondo una storia ufficiale del suo lavoro, ha iniziato nel "più stretto riserbo possibile". Quindici paesi membri hanno presentato accuse formali. La commissione, che aveva sede a Londra, non poteva arrestare o processare i sospetti, ma incoraggiava tutti i paesi a farlo.

Durante i quattro anni e mezzo della sua esistenza, la commissione ha esaminato più di 8.000 accuse che coinvolgevano circa 40.000 persone e ha pubblicato 80 liste di criminali di guerra.



## U.S. Seeks Access to U.N. Archives on War Criminals in Inquiry on Nazis

By ROBERT FEAR

Special to The New York Times

WASHINGTON, March 27 — American officials have quietly asked for access to United Nations archives that they believe may be helpful in the Federal investigation of suspected Nazi war criminals. But United Nations officials have turned down the request, citing rules of the international organization.

The records being sought by Justice Department investigators have been kept secret more than 30 years. They are among the "restricted" files of the United Nations War Crimes Commission, an international panel established by Allied nations in 1945, before the United Nations was chartered. The purpose of the commission was to collect and investigate evidence of war crimes.

Under the rules governing access to records of the War Crimes Commission, the files "may be inspected and used only for official United Nations purposes," subject to the agreement of United Nations officials. In effect, this means that the records are not available to anyone outside the Secretariat.

An index to the documents shows that there are 41 linear feet of files giving details of the charges submitted by member states against "about 41,000 German, Italian, Albanian, Bulgarian, Hungarian, Romanian and Japanese war criminals," as well as the names of material witnesses to the crimes.

### Few Have Been Prosecuted

A statement attached to the index by United Nations archivists notes that "only a small proportion of the persons listed as war criminals by the commission have ever been prosecuted."

Michael Palumbo, a Brooklyn historian working on a book about "Mussolini's

holocaust," the story of Italian Fascist atrocities in the Balkans and Africa, said he was amazed to find that "nothing has been done about these files in 30 years."

"What's the point of having the files," he asked, "when they are not available either for scholars or for government prosecutors?"

The existence of the war crimes files has been known to only a handful of people. Simon Wiesenthal, the Nazi-hunter, said last Saturday in a telephone interview from Vienna that he had never used the commission archives and did not know such records were being kept at the United Nations.

Aif Erlanson of Sweden, Chief Archivist of the United Nations, and John F. Scott, director of the Office of Legal Counsel, said that there had been few requests for access to the commission archives since they were entrusted to the United Nations in 1946. Mr. Erlanson said that the archives had been opened to a member country only once in the last 30 years — to Israel, for the prosecution of Adolf Eichmann in 1962. This was done by special permission from the Secretariat.

### Move Stopped in 1946

A proposed rule that would have made the files available to member governments upon request was defeated in 1946 at the insistence of Ivan Kerno of Czechoslovakia, then the Assistant Secretary General in charge of legal affairs. He was concerned that the suspects had not been notified of the charges against them and that the evidence had not been evaluated by a court.

In the last month, there has been renewed interest in the archives from separate sources: the United States Mission to the United Nations, which asks for access on behalf of the Justice Department, and Dr. Palumbo, who is

being waged a private campaign for access to the files.

The Hellenic Freedom Foundation, an organization of Greek Americans, is encouraging Dr. Palumbo in his work and supporting his request to the United Nations. The foundation is interested in the activities of Italian Fascists in Greece during World War II.

The United Nations, formed in San Francisco in 1945, inherited the files after the War Crimes Commission closed in 1948.

Mr. Scott explained that the United States or any other member country wanting access to the files could raise the matter in the General Assembly and seek a change in the rules. Justice Department and State Department officials said that they had not decided on their next move.

Dr. Palumbo and James F. Dornes of the Hellenic Freedom Foundation are lobbying to generate support for a resolution in the General Assembly.

### Valuable Sources Is Seen

Earl W. Kintner, a Washington lawyer who served as deputy United States representative on the War Crimes Commission, said he was sure that the archives contained information not available from other sources.

Representative Lester L. Wolff, Democrat of Missouri, said that he intended to sponsor a resolution in Congress urging the United Nations to make the archives available to the public. Senator Max Baucus, Democrat of Montana, said through a spokesman that he, too, would work to obtain access for the Justice Department. A special unit of the department under Walter J. Ruckler is trying to find and deport Nazi war criminals living in the United States.

Dr. Palumbo said that the United Na-

tions rules violated the basic purpose of the War Crimes Commission, which was to make its evidence available to member countries so they would pursue war criminals.

### Knowledge of Records

He said that some American officials knew about the commission records 20 years ago but did not make a serious attempt to gain access. One official referred to the records in a Security Council debate on the Eichmann case in 1960.

Internal United Nations memorandums show that the rules, as originally drafted, allowed use of the commission files "upon official written request of a member state of the United Nations." Such the chairman of the commission, Lord Wright of Britain, and the legal officer, J. J. Linauskis of Poland, "expressed satisfaction" with this rule, according to a 1946 memorandum sent to Adrian Fell, then an Assistant Secretary General.

The evidence in the files may not be as new as Mr. Kerno and other United Nations officials believed. In most cases, the evidence was evaluated by an international panel of legal experts who found a prima facie case before listing a person as a war criminal. A prima facie case is one whose merits are considered sufficient to support an indictment.

The commission, according to an official history of its work, began in the "strictest possible secrecy." Fifteen member countries submitted formal charges. The commission, which had headquarters in London, could not arrest or try suspects but encouraged all countries to do so.

During the four and a half years of its existence, the commission examined more than 8,000 charges involving about 40,000 people and issued 20 lists of war criminals.

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## War Criminals' Confessions Donated To Washington U.

Signed confessions of Nazi war criminals are among the 200 Third Reich books and documents that former Nuremberg Trials prosecutor Whitney R. Harris has donated to Washington University.

The collection includes the actual statements of Rudolph Hoess, commandant of the Auschwitz concentration camp, and Otto Ollendorf, an officer in Adolf Hitler's elite guard, admitting their responsibility for the deaths of 3 million people.

In addition to the book collection, Harris has established a fund to ensure the purchase of new books on the subject for the Olin Library.

## Tear Gas Disperses Crowd

SALISBURY, Rhodesia (UPI) — Police fired tear gas canisters Sunday into a crowd of about 90 supporters of Prime Minister Robert Mugabe who ignored orders to break up their "illegal procession" in a predominantly white section of Salisbury, authorities said.

One man was arrested, but authorities said it was not known why the procession was held.

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