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COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

AFFAIRE DU DÉTROIT
DE CORFOU
(DOCUMENTS)

V

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

THE CORFU
CHANNEL CASE
(DOCUMENTS)



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THE CORFU CHANNEL CASE

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AFFAIRE DU DÉTROT DE CORFOU

ARRÊTS DES 25 MARS 1948, 9 AVRIL ET 15 DÉCEMBRE 1949

VOLUME V



INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

THE CORFU
CHANNEL CASE

JUDGMENTS OF MARCH 25th, 1948, APRIL 9th
AND DECEMBER 15th, 1949

VOLUME V



TROISIÈME PARTIE

AUTRES DOCUMENTS SOUMIS
A LA COUR

PART III

OTHER DOCUMENTS SUBMITTED
TO THE COURT

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I. POST-WAR MINE CLEARANCE IN EUROPEAN WATERS

THIRD INTERIM REPORT BY THE INTERNATIONAL CENTRAL BOARD
(1st OCTOBER, 1946, TO 30th JUNE, 1947)

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INTRODUCTION

General

A general description of the International Organization, which was established to direct and control mine-clearance operations in European waters, was contained in the first Interim Report of the International Central Board. The first Report also contained chartlets (numbered 1 to 3) illustrating the various zones and sub-areas into which the waters to be cleared were divided, and described the progress of the work from its inception up to the 31st March, 1946. The second Interim Report covered the period from that date to 30th September, 1946. The present Report covers the period from 1st October, 1946, to 30th June, 1947. The International Central Mine Clearance Board intends to issue further Interim Reports half-yearly on the 30th June and 31st December each year.

Change of Policy

2. Resulting from tests carried out with batteries of ground mines, it was found that mines of the plain magnetic variety, both British and German, laid in the waters of North-Western Europe have a life in excess of 3½ years and may possibly "live" for 8-12 years. It was decided that to sweep all areas where these mines were considered to have been dropped by aircraft was a task too formidable for the forces available. The following policy was therefore adopted:—

- (a) that shipping should continue to use swept buoyed channels until it is considered that all mines have become inactive due to age ;
(b) that an annual trial sweep of a chosen area be conducted to find out when mines become inactive due to age.

The first trial sweep was carried out in May, 1947, over a small part of an area 10 miles N.W. of Terschelling, where magnetic ground mines were known to have been laid in 1944. Seven mines were detonated.

Casualties

3. During the period under review there were two serious incidents, both of which caused international concern. The first occurred on the 22nd October, 1946, when two British destroyers while on passage through the Straits of Corfu were mined, resulting in heavy loss of life and severe damage. Subsequent minesweeping revealed that a minefield existed in the Medri Routes 18/32 and 18/34, and these routes were therefore cancelled. This incident led to an exchange of diplomatic correspondence between His Majesty's Government and the People's Republic of Albania. The case was brought before the Security Council of the United Nations, who recommended that it be taken to the International Court of Justice at The Hague.

The second incident was caused by severe weather conditions in the North Sea during February and March, 1947. Navigational buoys marking the main coastal route off Belgium and Holland, and also those marking the ways in the Kattegat and in the Baltic, were moved out of position by drifting ice formations. As a result several ships passed through unswept water and 11 vessels were mined before the buoys could be put back in their correct positions.

Casualties caused by mines between 30th September, 1946, and the 30th June, 1947, were 42 merchant ships damaged or sunk, 18 fishing craft damaged or sunk and the two destroyers referred to above. Of all these casualties, apart from the 11 referred to in the foregoing paragraph, 34 are known to have strayed into unswept water. Details of these casualties are listed in *Appendix II*.

Progress of work

4. Minesweeping in the four zones had progressed satisfactorily, enabling a further 50,000 square miles to be declared open for the free movement of international shipping. This is illustrated in the chartlets numbered 4 and 5, included as Appendices to this Report, depicting the danger areas existing at the end of September, 1946, and at the end of June, 1947. An outline of the work in each zone for the period covered by this report is as follows:—

EAST ATLANTIC ZONE

5. (i) **British Sub-area.** The British Fleet Minesweepers have accomplished the clearances described below:—

South of Ireland. The clearance, which commenced in March, 1946, of the extensive deep minefields, has continued satisfact-

orily and 90 per cent. of the area previously dangerous is now considered clear of mines.

North Coast of Ireland. The deep minefields have been cleared with the exception of a small area where, because of strong currents and pinnacle rocks, a 100 per cent. check sweep could not be guaranteed. This area was opened to surface navigation, but has been prohibited to fishing until 1952.

West Coast of Scotland (Butt of Lewis). The minefields have been swept and the area is considered clear of mines.

South-East of Iceland and North and South of the Faroe Islands. Extensive mine-clearance operations have enabled the danger areas North of the Faroes to be greatly reduced to allow passage for shipping, and the danger area South of the Faroes to be cancelled. No further sweeping is intended and danger areas are to remain closed to shipping until 1952.

The B.Y.M.S., M.M.S. and M.L. Flotillas carried out influence minesweeping operations over German ground minefields off the North coast of France, East coast of England and in the Thames Approach, resulting in a large proportion of the danger areas being declared open to shipping.

Minesweeping operations continue off the South coast of Ireland, off the East coast of England and in the Thames Estuary.

(ii) **Norwegian Sub-area.** The last minelay in the Norwegian section of the Skagerrak moored mine barrage was cleared in October, 1946. During the first half of 1947, a check sweep over the whole section was carried out by a force of five "Bangor" Class Minesweepers, five Norwegian Y.M.S.s and one additional danlayer.

One mine was swept.

(iii) **Danish Sub-area.** The sweeping of the Danish section of the Skagerrak barrage was discontinued on 3rd October, 1946, and started again on the 12th May, 1947. Up till 30th June nine German "M" class and twelve German "R" class minesweepers under Danish control cleared mine barriers D.8, D.12, D.20, D.41 and D.43. No mines were swept. Minesweeping continues.

(iv) **Belgian Sub-area.** The 118th M.M.S. Flotilla swept a new inshore route from Ostend to Zeebrugge and opened an alternative approach channel to Ostend from the coastal route. The existing coastal channel has been widened. Four British minefields and one German minefield were cleared, including the Ostend Bank area. No mines were swept. Minesweeping continues.

(v) **French Sub-area.** Clearance of the deep German minefields in the French Zone of the Channel has been completed. In all, 21 minefields were swept and 13 mines destroyed. Clearance of the deep British minefields in the North of Seine Bay has been started by the German "M" class minesweepers. Up to 30th June 12 minefields had been swept.

In the Bay of Biscay approach channels to Brest, Lorient, St. Nazaire and La Pallice have been widened, and local coastal channels established between these ports. Maintenance acoustic sweeping has been carried out in the Garonne. By these operations 28 mines were destroyed.

(vi) **Netherlands Sub-area.** M.M.S. and B.Y.M.S. class minesweepers of the Royal Netherlands Navy cleared four danger areas off the Dutch coast, widened the Dutch coastal route and established two new channels to Scheveningen and Domburg. In all, 43 mines were swept. Meantime, the German "R" boats under Dutch control cleared two German minefields, accounting for 35 moored mines. Moored minesweeping over two further danger areas produced negative results.

(vii) **German Sub-area.** In the German sub-area, clearance of the German moored mine barrier in the North Sea was continued by ex-German minesweepers under British control. Four German minefields and some old British lays were swept.

A British flotilla cleared three German minefields west of Cuxhaven in October, 1946, and a further two in June, 1947. From mid-November until the end of March, severe weather conditions prevented minesweeping operations being executed.

The approaches to the Elbe have been widened by the German "R" boat flotillas, and in April two small operations were carried out in connexion with the Heligoland Demolitions. K.F.Ks. from the U.S. Enclave continued operations in the Rotor Sand area at the entrance to the Weser and among the East Frisian Islands.

(viii) The number of mines reported swept or detonated by the respective nations in the East Atlantic Zone between 1st October, 1946, and 30th June, 1947, was as follows:—

<i>Forces</i>	<i>Mines swept</i>
British	757
French	41
Netherlands	78
Norwegian	1
German	6

MEDITERRANEAN ZONE

6. (i) During the period under review good progress has been made in mine clearance, especially in the Italian area of responsibility, allowing several danger areas to be cancelled and a number of others to be reduced in size. With the completion of mine-clearance operations by the British minesweepers off Tripoli all known German, Italian and Allied minefields along the North-African coast were considered to have been cleared. The Medzon Board have met five times at their Headquarters in Rome to consider reports and arrange for priority of mine-clearance operations.

(ii) **British Sub-area.** All minesweeping commitments in the British area of responsibility have been completed. Early in October, 1946, the 5th Minesweeping Flotilla carried out a check-sweep of a danger area South of Pantelleria with a negative result. By the end of October, the 5th and 8th Minesweeping Flotillas had completed clearance of a section of the remaining minefields off Tripoli (Libya). During the winter months eight ships from these flotillas were reformed into the 2nd Minesweeping Flotilla and returned to complete the clearance of the remaining 12 minefields. This work was completed by May, 1947, 46 mines and one conical float being cut from three of

the fields which had been laid by the Germans in 1941. The 151st and 156th B.Y.M.S. Flotillas completed ground minesweeping in the approaches to Trieste, as well as an additional check sweep of an area off Salvore Point. On completion of these operations early in 1947, all B.Y.M.S. were returned to the U.S. Navy for disposal.

(iii) **French Sub-area.** A small field off Porto Vecchia (Corsica) was cleared and checked and four mines were cut. Off the coasts of Southern France further check sweeping at a greater depth than previously swept was completed between Port Vendres and rade d'Hyères and a total of 72 mines and one obstructor were cut. All zones of the French Sub-area now considered to be clear of mines.

(iv) **Greek Sub-area.** Greek minesweepers which, during 1946, had been supplemented by eight Y.M.S.s., were unable to produce the expected results owing to numerous breakdowns of the ships and the difficulty of obtaining spare parts for refits. However, moored mine clearances in the Paxos and Naxos area, Melos, Petali Gulf, Volos, Trikiri and Skiathos Channels and the Gulf of Salonika have been carried out. In May, operations were commenced on the establishment of a channel from Cape Sphigmenou, on the Monte Santo Peninsula, to Chai Aghizi in the Gulf of Ruphani. Up to 30th June two mines and one conical float have been cut. Ground minesweeping was carried out in the Eleusis Bay, Volos, Melos, Paros, Naxos, Salamis Bay and Gulf of Salonika areas and five mines were detonated. During these operations 169 moored mines and 98 obstructors were swept.

(v) **Yugoslav Sub-area.** The only report received of progress by Yugoslav minesweepers is one covering operations to establish a one-mile-wide channel from Bakar Bay through the Krk and Tesni Channels, thence between Rab and Laganj Islands and between Pag and Dolphin Islands through the Maon Channel to join up with Medri route 15/3 off Vir Island. During this operation, which was carried out in 1946, a total of 104 mines, 33 obstructors and 21 conical floats were swept as well as seven A/S net buoys.

(vi) **Italian Sub-area.** The Italian minesweeping Force, divided into eight groups, completed mine clearance of the following number of minefields in their respective areas:—

- (a) 12 minefields by the 1st M.S. Group off the Sicilian coast, covering an area of 170 square miles;
- (b) on the West coast of Italy—47 minefields by the 2nd, 4th and 6th M.S. groups;
- (c) on the East coast of Italy—24 minefields by the 3rd, 5th and 8th groups;
- (d) off Sardinia—4 minefields by the 7th M.S. group.

This work included completion of mine clearance off the heel of Italy by the 3rd Minesweeping Group and this group was subsequently disbanded and the vessels transferred to the 8th Minesweeping Group based on Ancona.

The number of mines accounted for in the Mediterranean Zone between the 1st October, 1946, and 30th June, 1947, by the respective national forces, was as follows:—

<i>Forces</i>	<i>Mines accounted for</i>
British	72
French	72
Greek	169
Yugoslav	104
Italian	625

KATTEGAT, BALTIC STRAITS AND THEIR APPROACHES ZONE

7. (i) **Danish Sub-area.** The sweeping of the ways forming the international network of routes has been completed, the ways having been widened to their target widths. In addition, new ways have been swept to shorten distances between already existing ways. Certain areas for fishing, an exercise area for the Royal Danish Navy, cable routes, etc., have also been swept free of mines.

(ii) **Swedish Sub-area.** The international minesweeping was finished on 23rd October, 1946. However, further minesweeping operations were started on 30th April, 1947, in the areas South and West of Falsterbo (Outer) Route in order to make shipping still safer in passing Falsterbo Rev and also in connexion with the salvage of the wreck of the minesweeper *Acacia*. It is estimated that this operation will be completed in September, 1947.

(iii) **Schleswig-Holstein area under British control.** During the period under review, the clearance of all ways in this area has been completed to the target widths laid down by the Central Board.

In addition, sections of ways 1 and 28 have been swept against coarse mines.

It is intended to complete the clearance of the remaining sections of ways 1 and 28 in due course.

During the period under review the 14th G.K.S.F. and the 20th G.T.S.F. were released from the minesweeping organization for conversion to fishing. The 1st G.R.B.F. and Sperrbrecher 13 were transferred to Western Germany.

The number of mines accounted for in Kabazon between October 1st, 1946, and June 30th, 1947, were as follows:—

<i>Forces</i>	<i>Mines accounted for</i>
Danish	21
Swedish	13
Schleswig-Holstein	27

BARENTS, BALTIC AND BLACK SEAS ZONE

8. (i) In the course of the minesweeping operations during 1946, the following areas and channels in the zone were swept and opened to navigation:—

(ii) **Barents Sea**

- (a) Danger Area north of Kola inlet;
- (b) Danger Areas at Ribachy peninsula;
- (c) Channel into Pechora;
- (d) Approaches to Kara Sea;

- (e) Channel through the Danger Area between Kanin land and Kolguev Island;
- (f) Minefield at Ostry Ludky in the White Sea.

(iii) **Baltic Sea**

- (a) 2 minefields East of Eland Island;
- (b) Channel from entry of Gulf of Finland to Leningrad;
- (c) Channel in the Irbensky Strait;
- (d) Channel from Swinemunde to Zasnitz;
- (e) Approach channel to Renne Port;
- (f) Harbours of port of Gdynia;
- (g) Channel to port of Rostock;
- (h) Channel to Wismar Port.

(iv) **Black Sea**

- (a) Widening of channels into the ports of Odessa, Nikolaev, Feodosia and Novorossisk;
 - (b) Establishment of a channel across the Kerch Strait from the Black Sea to the Azov Sea.
- (v) In addition, the following areas were swept in 1946, but opened to navigation in the first half of 1947:—

Barents Sea

Danger Areas from Pechenga Inlet to Cobbholms Fjord.

Baltic Sea

- (a) The majority of the Danger Areas containing moored mines in the Gulf of Finland;
- (b) Part of the Danger Areas containing moored mines in Danzig Bay;
- (c) Danger Areas of non-contact mines in the Gdynia roadstead.

Black Sea

Part of the Danger Areas along the Caucasian and Crimean coasts and in the Sea of Azov.

(vi) Further, areas North of Bornholm Island, a large part of Danzig Bay and a channel into Stralsund were opened for navigation without sweeping on the assumption that life of mines in these areas had expired.

(vii) The minesweepers allocated for minesweeping in 1947 commenced mine-clearance operations in the months of April and May. In accordance with the plan decided upon by the Board for sweeping in 1947, priority was given to the sweeping of moored minefields. This had been planned for two reasons: firstly, to reduce the immediate danger to shipping from moored mines, and secondly, to reduce the risk in other neighbouring areas of ships striking floating mines. As a result of sweeping during the first six months of 1947, an area of 4,430 square miles was opened to navigation.

(viii) The number of mines accounted for in the areas of national responsibility of the Barents, Baltic and Black Seas Zone between 1st October, 1946, and 30th June, 1947, was as follows:—

(a) U.S.S.R. area:

U.S.S.R. minesweepers swept . . .	243	moored mines
	20	ground mines
	78	obstructors
Finnish minesweepers swept . . .	156	moored mines
	8	ground mines
	80	obstructors

In addition, 190 floating mines and 100 floating obstructors were destroyed in this area.

(b) Polish area:

Polish minesweepers swept	26	moored mines
	1	obstructor

In addition, seven floating mines and two floating obstructors were destroyed.

(c) Swedish area:

Two floating mines and one floating obstructor were destroyed.

(d) Turkish area:

In the period 1st October to 31st December, approximately 70 floating mines were destroyed.

Between 1st January and 30th June, a further 85 floating mines were destroyed.

Signed on behalf of the Central Board.

C. H. DUFFETT (*President*),
Captain, Royal Navy.

Appendix I

DISPOSITION OF MINESWEEPING FORCES

(a) EAST ATLANTIC ZONE 30. 6. 47

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS	REMARKS
British Sub-area			
1st M.S.F.	8 Algerines	Clearance of deep A/S minefields off S. Ireland	Approximately one month's work to complete.
151st M.S.F.	4 Dan Trawlers		
153rd M.S.F.	8 B.Y.M.S.		
32nd M/S M.L.F.	8 B.V.M.S.		
	8 M.Ls. (111')		
		Shallow water ground mine-sweeping in Thames Estuary	Owing to extended life of magnetic ground mines sweeping extended through 1948.
Belgian Sub-area			
118th M.S.F.	7 M.M.S.	Extensive ground minesweeping operations off the Belgian coast	It is expected to complete these operations in the summer of 1949.
Survey Ship	M.M.S. 1020		
French Sub-area			
1st M.S. Group—			
36th Div.	7 M.M.S.	Ground minesweeping in Seine Bay	It is expected to complete these operations by 1st October, 1947.
27th Div.	4 K.F.Ks. Danlayers		
3rd M.S. Group—			
20th Div.	7 ex-German 'M' Class	Cherbourg. Clearance of channel minefields	—
29th Div.	2 ex-German Dan Trawlers		
Mine Disposal Section	4 Tugs 1 ex-German L.C.	Disposing of Katie mines in the Dieppe Area	It is expected that the remaining 19 K.M.A. minefields will be disposed of during 1948.

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS	REMARKS
French Sub-area (cont.):			
2nd M.S. Group—			
34th Div.	6 M.M.S.	Widening of coastal channel and approach channels to La Pallice	—
37th Div.	8 M.M.S.		
25th Div.	4 ex-German K.F.Ks. . . .		
26th Div.	4 ex-German K.F.Ks. . . .		
4th M.S. Group—			
31st Div.	9 Y.M.S.	Widening of the main channel and North channel to St. Nazaire	It is expected to complete these operations during October, 1947. However, ships will be required to keep to the swept channels until it is considered that the life of magnetic mines has expired.
32nd Div.	8 Y.M.S.		
28th Div.	3 ex-German Dan Trawlers		
21st Div.	7 ex-German 'M' Class	In reserve	
Danish Sub-area			
22nd G.M.S.F.	3 'M' Class	Based at Hirtshals for clearance of the Skagerrak mine barrage	These minesweepers are all German manned. It is expected to complete clearance of the Skagerrak during 1947.
25th G.M.S.F.	6 'M' Class		
4th G.R.B.F.	12 'R' Boats		
Danlayers	2 'TF' Boats		
Norwegian Sub-area			
Fleet M.S.F.	5 'Bangor' Class	Check sweeping between the Skagerrak minefields previously swept	Expected to complete by 1st July, 1947.
Norwegian Y.M.S.F. . . .	5 Y.M.Ss.		
	1 Dan Trawler		
Netherlands Sub-area			
6th Flotilla	6 D.Y.M.S.	Sweeping operation off Den Helder	It is estimated that the present operations and outstanding commitments will be completed in about 290 sweeping days. It is not intended to attempt to sweep the extensive magnetic minefields North of Terschelling.
2nd Flotilla	7 D.M.M.S.		
16th G.R.B.F.	12 'R' Boats		
17th G.R.B.F.	11 'R' Boats		

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS	REMARKS
German Sub-area under British control			
5th G.M.S.F.	8 'M' Class	Clearing German moored mine-field West of Cuxhaven	It is expected to complete clearance of moored minefields by the end of August, 1947. Widening and improving of the existing channels through magnetic minefields will continue as long as forces are available.
7th G.M.S.F.	8 'M' Class	Refitting	
12th G.M.S.F.	7 'M' Class	Refitting	
1st G.R.B.F.	8 'R' boats	Widening coastal channel	
13th G.R.B.F.	11 'R' boats	Refitting	
Sperrbrechers	Minerva	Widening coastal channel	

(b) MEDITERRANEAN ZONE**30.6.47**

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS	REMARKS
British Sub-area			
2nd M.S.F.	8 Fleet Minesweepers	Mine clearance North of Tripoli	
	3 Danlayers		
French Sub-area			
5th Minesweeping Group—			
33rd Div.	5 Y.M.S.	Check sweeping of deep mine-fields between Toulon and Marseilles	It is expected that all minesweeping will be completed by 1st October, 1947.
7th M.L. Div.	3 S.Cs. Boats		
Greek Sub-area			
1st M.S.F.	5 G.Y.M.S.	Clearance of minefields in the Trikeri and Skiathos area.	Very extensive mined areas still to be cleared in the Aegean and on W. coast.
28th M.S.M.L.F.	6 M.L.S.		
Danlayers	4 M.M.S.		

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS	REMARKS
Italian Sub-area			
1st M/S Group	5 R.D. M/S	Trapani Area, Sicily	—
	5 M.F.Vs.		
2nd M/S Group	5 Corvettes	W. Coast, Naples, Gaeta and Fiumicino Area	—
	10 M.F.Vs.		
4th M/S Group	1 Tug M/S	W. Coast, Spezia and Leghorn Area	—
	8 Trawlers		
	5 M.M.S.		
	3 V.A.S. M/S		
	4 M.F.Vs.		
5th M/S Group	7 R.D. M/S	East Coast, Venice Area	—
	2 V.A.S. M/S		
	3 M.F.Vs.		
	1 Tug M/S		
	2 M.M.S.		
7th M/S Group	4 Trawlers	Sardinia	—
	5 M.F.Vs.	Gulf of Cagliari and Olbia	—
8th M/S Group	4 M.M.S.	East Coast, Ancona Area	—
	7 M.F.Vs.		
Yugoslav Sub-area			
1st M.S. Flotilla			
1st Group M.	3 Aux. M/S Vessels	Losinj	—
1st Group D.R.	6 M.F.Vs.		
2nd Group D.R.	3 M.F.Vs.		

(c) KATTEGAT, BALTIC STRAITS AND THEIR APPROACHES ZONE

30. 6. 47

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS	REMARKS
Danish Sub-area			
(a) Danish manned			
1st M.S.F.	1 'M' Boat	Sweeping a new way from Lohals (Langeland) to Korsor	Existing ways are being widened and fishing areas and areas for cable work are being swept.
Control vessel	6 'R' Boats	Controlling German manned minesweepers	
	1 'R' Boat		
(b) German manned vessels—			
39th G.K.S.F.	20 K.F.Ks.	Sweeping Way 36 based on Fredrikshavn	
Depot ship	M. 545		
Base ship	Hertha		
Harbour craft	2 Lighters		
	3 Maintenance boats		
Swedish Sub-area			
Fleet M/S	4 "Arholma" class	Ground minesweeping South and West of Falsterbo	
M.L. M/S	12 'M' Class		
Schleswig-Holstein Sub-area (German M/S under British Control)			
8th G.R.B.F.	9 'R' boats and 1 trawler	Widening section of Way 1 and clearance of approaches to the ports of Gromitz, Kellenhausen and Dahne to enable a passenger service from Lubeck to be instituted	No sweeping was possible between 24th January and 14th April, 1947, on account of ice.
2nd G.M.B.F.	7 'M' boats		
31st G.K.S.F.	24 K.F.Ks. and 1 'R' boat		
1st G.S.B.F.	1 Sperrbrecher		
British Supervision	2 M.Ls.		
Vessels			
Harbour craft	8		
Store Carriers and			
Despatch Boats	II		

(d) BARENTS, BALTIC AND BLACK SEAS ZONE

30. 6. 47

FORCES ALLOCATED	NO. OF SHIPS	OPERATION IN PROGRESS
BARENTS SEA		
Soviet	8 Mine sweepers	Clearance of minefields in the following areas :—Area S-NE of Rypachi Peninsula.
BALTIC SEA		
Soviet	40 Mine sweepers	Swinemund—Zasnitz Channel and South-East part of Baltic Sea.
	34 M.Ls.	Gulf of Riga.
	21 Mine sweepers	Western part of the Gulf of Finland.
	30 M.Ls.	
	21 Mine sweepers	Eastern part of the Gulf of Finland.
	26 M.Ls.	
	10 Mine sweepers	
	30 M.Ls.	
Danish	7 Mine sweepers	Sandhammeren to Way 32.
Polish	11 Mine sweepers	Pattsigsky Inlet and approaches to Vladislavor Port.
Finnish	93 Mine sweepers	Approaches to the Ports of the Gulf of Finland.
	42 M.Ls.	
BLACK SEA		
Soviet	26 Mine sweepers	Approaches to Sevastopol and in the Kerch Straits.
	67 M.Ls.	

OTHER DOCUMENTS SUBMITTED (U.K.)

Appendix II

SHIPS AND FISHING VESSELS, ETC., OF ALL NATIONALITIES, SUNK OR DAMAGED BY MINES BETWEEN 1ST OCTOBER, 1946, AND 30th JUNE, 1947,
IN EUROPEAN WATERS

Summary

	SUNK	DAMAGED	TOTAL
Ships	23	21	44
Fishing vessels	13	5	18
Miscellaneous vessels (cable ship and caique)	2	—	2
			64

Forty-four of these vessels became casualties through being outside swept channels or in prohibited waters.

Twelve vessels were casualties due to ground mines in swept channels or in waters declared free of mines.

Two vessels were casualties due to moored mines in a swept channel.

Of the remaining six vessels, it is not known whether they were in or out of the swept channels, but two casualties were caused by a mine in the trawl and a possible floating mine accounted for a third.

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
U.S. Tanker SIGNAL HILLS (10,441 tons)	8/10/46	Off Leghorn	Damaged	Outside swept channel.
Danish fishing vessel NOKKEN	12/10/46	Kattegat	Sunk	Fishing in unswept water.
U.S.S.R. ship KAMNETS PODOLSK (5,000 tons)	13/10/46	Gulf of Finland	Damaged	In swept channel.
M.F.V. MARROLITA	13/10/46	Off Pescara	Sunk	Possible floating mine.
U.S. steamer CASSIUS HUDSON (7,198 tons)	16/10/46	N. Adriatic	Sunk	Outside swept channel.
Italian M.F.V. I. DUE FRATELLI	17/10/46	Porto Grado	Sunk	Mine in trawl.

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
Italian coaster RISVEGLIO (122 tons)	17/10/46	W. Coast of Italy	Sunk	Outside swept channel.
Danish coaster DUEN (69 tons)	18/10/46	Kattegat	Sunk	Outside swept water.
French tanker RHEA (7,813 tons)	21/10/46	Straits of Bonifacio	Damaged	Believed in swept water.
H.M.S. SAUMAREZ Destroyer	22/10/46	Corfu Channel	Sunk	In Medri route.
H.M.S. VOLAGE Destroyer	22/10/46	Corfu Channel	Damaged	In Medri route.
U.S. steamer CHARLES BULFINCH (7,176 tons)	29/10/46	Kiel Bay	Damaged	Outside swept channel.
Fishing cutter RIIA	29/10/46	Kattegat	Sunk	Outside swept channel.
Greek caique PETROS	30/10/46	Gulf of Patras	Sunk	Outside swept channel.
Danish motor vessel SIRI (134 tons)	30/10/46	Kiel Bay	Damaged	Outside swept channel.
Soviet fishing schooner	31/10/46	Black Sea	Sunk	In unswept water.
Danish fishing vessel DANA	5/11/46	Great Belt	Trawl damaged	Fishing in unswept water.
Danish fishing vessel RITA	6/11/46	Kattegat	Trawl damaged	Fishing in unswept water.
Danish motor sailing Es- THER (319 tons)	14/11/46	Langeland Belt	Sunk	Believed outside swept channel.
British trawler CHARMOUTH (195 tons)	14/11/46	S. Ireland	Sunk	Mine in trawl. In mined area.
Norwegian M.V. BRABANT (2,335 tons)	17/11/46	Off Terschelling	Damaged	In clear water.
Danish fishing vessel INGE	7/12/46	Kattegat	Damaged	Outside swept water.
Dutch M.V. TROMP (391 tons)	8/12/46	Langeland Belt	Sunk	In swept channel.
Danish fishing vessel Lvk- KENS PROVE	20/12/46	Little Belt	Sunk	Fishing in unswept water.

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
Greek THERA (1,599 tons)	22/12/46	Ægean	Sunk	In swept water.
British HARBETON (4,673 tons)	4/1/47	Ægean	Damaged	In clear water.
Cable ship KARLA (1,143 tons)	4/1/47	Gulf of Finland	Sunk	In mined area.
Italian fishing smack TRI-NACRIA (141 tons)	12/1/47	Porto di Lido	Sunk	In mined area.
British tanker BRITISH EARL (8,573 tons)	18/1/47	Langeland Belt	Damaged	In swept channel.
Irish OSSIAN (1,514 tons)	4/2/47	Off Terschelling	Sunk	Outside swept channel.
Roumanian ARDEAL (5,695 tons)	13/2/47	Black Sea	Damaged	Outside swept water.
Greek KALLIOPI (4,965 tons)	17/2/47	Ægean	Damaged	In clear water. Possible floating mine.
Swedish SIRIUS (1,833 tons)	19/2/47	Adriatic	Sunk	Believed outside swept channel.
French GRENOBLE	22/2/47	North Sea	Damaged	In swept channel.
Greek M.V. ELENI (149 tons)	26/2/47	Ægean	Sunk	Believed outside swept water.
Italian LUANA (1,140 tons)	4/3/47	Adriatic	Sunk	Believed outside swept water.
Norwegian TRONDHEIM (1,153 tons)	7/3/47	Heligoland Bight	Sunk	Outside swept channel.
U.S. EXANTHIA (6,533 tons)	12/3/47	Off Elba	Damaged	Outside swept water.
Greek ALEXANDRA (4,355 tons)	20/3/47	Off Terschelling	Sunk	Outside swept channel.
British EMPIRE SPRING-FJORD (2,972 tons)	22/3/47	Off Terschelling	Sunk	Outside swept channel.
U.S. ST. LAWRENCE VICTORY (7,600 tons)	24/3/47	Adriatic	Damaged	In minefield.
Norwegian GARNAS (1,559 tons)	24/3/47	Off Terschelling	Sunk	Outside swept channel.

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
British PEREGRINE (890 tons)	27/3/47	Off Terschelling	Damaged . . .	Outside swept channel.
Norwegian TITANIAN (4,880 tons)	29/3/47	North Sea	Damaged . . .	In clear water.
Swedish ACACIA (2,078 tons)	12/4/47	South Sweden	Sunk	Outside swept channel.
British THE VICEROY (900 tons)	12/4/47	West Schelde River	Sunk	In clear water.
Danish fishing vessel NEPTUN	12/4/47	Kattegat	Damaged . . .	Fishing in unswept water.
Danish WESTRALIA (6,358 tons)	15/4/47	Great Belt	Damaged . . .	In swept channel.
Danish fishing vessel ÆSTER	19/4/47	South Sweden	Sunk	Outside swept channel.
Russian fishing vessel ZOOZERNAYA	22/4/47	Kerch Straits	Sunk	In minefield.
German cutter LABOE 20 (260 tons)	23/4/47	Kiel Bay	Sunk	Outside swept channel.
Danish M.V. PARKESTON (2,762 tons)	1/5/47	Off Esbjerg	Damaged . . .	In swept channel.
British trawler SDJ (100 tons)	13/5/47	North Sea	Sunk	Probably mine in trawl.
Italian schooner CUORE DI GESU	17/5/47	Off Leghorn	Sunk	No details available.
Danish M.V. ROTA (99 tons)	23/5/47	Kattegat	Sunk	Outside swept channel.
French tanker SAINT-YVES (1,642 tons)	25/5/47	Off La Pallice	Sunk	In swept channel.
Norwegian BESTUM (2,215 tons)	26/5/47	River Ems approach	Damaged . . .	Outside swept channel.
Norwegian M.S. RAVMASS (5,600 tons)	2/6/47	North Sea	Damaged . . .	Outside swept channel.

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
Yugoslav SRBIN (1,200 tons)	6/6/47	Gulf of Quarnoro	Sunk	In minefield.
Danish fishing vessel ELI-SABETH	10/6/47	Kattegat	Damaged	Mine in trawl. Outside swept channel.
Italian M.V. MARIA STELLA (260 tons)	17/6/47	West Coast of Italy	Sunk	Outside swept channel.
Italian fishing vessel TARANTO (32 tons)	19/6/47	Adriatic	Sunk	Outside swept channel.
Swedish SONATA (7,177 tons)	27/6/47	North Sea	Damaged	In clear water.
Turkish SILVRI (692 tons)	30/6/47	Ægean	Sunk	In mined area.

Appendix III

REPORTS OF CASUALTIES RECEIVED FOR THE PERIOD PRIOR TO 1ST OCTOBER, 1946, WHICH HAVE NOT BEEN INCLUDED IN THE 1ST AND 2ND INTERIM REPORTS

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
Danish WESTERHABT	20/5/45	Off Kolberg	Sunk	Outside swept channel.
British GLEBANK	27/5/45	Black Sea	Damaged	In mined area.
Soviet tug	1/6/45	Danzig	Sunk	Probably outside swept channel.
Soviet barge	12/6/45	Koenigsberg Channel	Sunk	Outside swept channel.
U.S. NEW BORNE VICTORY	14/6/45	Black Sea	Damaged	Outside swept channel.
Soviet KINGISEPP	26/6/45	Belushya Guba	Damaged	Probably "oyster" mine.
Soviet tug	5/7/45	Off Visli River	Damaged	Probably outside swept channel.
Polish tug	6/7/45	Off Gdynia	Sunk	Probably outside swept channel.

SHIP AND TONNAGE	DATE	GENERAL LOCALITY	FATE	REMARKS
Soviet tug	6/7/45	Koenigsberg Channel	Sunk	Outside swept channel.
German motor boat	22/8/45	Stettin Bay	Sunk	In mined area.
Soviet barge	11/9/45	Irbensky Strait	Sunk	Outside swept channel.
Soviet fishing schooner	23/10/45	Black Sea	Damaged	Outside swept channel.
Soviet barge	16/11/45	Stettin Channel	Sunk	Outside swept channel.
Soviet ALTAI	24/1/46	Irbensky Strait	Damaged	Floating mine in channel.
Soviet MGA	3/2/46	Kolberg	Sunk	Outside swept channel.
Danish coaster BERGITTE (49 tons)	24/2/46	Kattegat	Sunk	Outside swept water.
Soviet tanker MARS	22/4/46	Baltic	Sunk	Outside swept channel.
Soviet barge	2/7/46	Black Sea	Sunk	Outside swept channel.
Polish motor boat	3/7/46	Gdynia	Sunk	Probably outside swept channel.
Soviet barge	18/7/46	Baltic Sea	Damaged	Outside swept channel.
Soviet barge	26/7/46	Baltic Sea	Damaged	Outside swept channel.
Soviet barge	26/7/46	Baltic Sea	Damaged	Outside swept channel.
Soviet barge	26/7/46	Baltic Sea	Damaged	Outside swept channel.
Danish fishing boat F.N. 26 BIRTHE	26/7/46	East of the Skaw	Damaged	Outside swept channel.
Italian M.F.V. DEDALO	10/8/46	South-West Coast of Sardinia	Sunk	Fishing in unswept water.
Soviet tanker KREML	11/8/46	Black Sea	Damaged	Floating mine in channel.
Soviet barge	—	Baltic Sea	Sunk	Outside swept channel.
Soviet fishing boat	4/9/46	Black Sea	Sunk	Outside swept channel.
German fishing vessel STRANDE 5	?/9/46	Kiel Bay	Sunk	Outside swept channel.

Appendix IV

THE FOLLOWING IS A LIST OF SOVIET AND FINNISH MINESWEEPERS MINED DURING THE PERIOD 1ST MAY, 1945,
TO 31ST DECEMBER, 1946

NATIONALITY	DATE	GENERAL LOCALITY	FATE	REMARKS
Soviet M/S	26/5/45	Gulf of Riga	Damaged	Mine detonated near side while putting out sweeps.
Soviet M.M.S.	2/6/45	Danzig Bay	Damaged	Mined while sweeping.
Soviet M/S	12/6/45	Approach to Pillau	Sunk	Mined while sweeping.
Soviet M.M.S.	5/7/45	Gulf of Finland	Damaged	Mine detonation in sweep.
Soviet M.M.S.	22/8/45	Gdynia	Sunk	Mined while sweeping.
Soviet M/S	4/10/45	Gulf of Riga	Damaged	Detonated two ground mines.
Soviet M.M.S.	12/10/45	Gulf of Finland	Damaged	Ground mine close to ship.
Finnish M/S	6/5/46	Porkalla	Damaged	—
Soviet M.M.S.	25/6/46	Black Sea	Sunk	Ground mine.

2. AFFIDAVIT BY KAREL KOVACIC, FORMER LIEUTENANT-COMMANDER IN THE YUGOSLAV NAVY

In the matter of the Corfu Channel case before the International Court of Justice.

I, Karel Kovacic, of 44 Emperor's Gate, London, S.W. 7, at present of no occupation, formerly lieutenant-commander in the Yugoslav Navy, make oath and say as follows:—

I was born in Ljubljana on 30 July, 1914, and entered the Dubrovnik Naval Academy on 1 October, 1933, after studying at the Gymnasium in Ljubljana. I was promoted to sub-lieutenant on 28 June, 1936, and my first commission was as duty officer on the destroyer *Dubrovnik*. Later I served as instructor in seamanship courses for petty officers and recruits at Sibenik (spring-autumn 1937). From autumn 1937 to winter 1939 I was first lieutenant and staff officer of the Motor Torpedo Boat Flotilla under command of Captain Ivan Kern. From December 1939 until the beginning of the war between Germany and Yugoslavia I served at the Petty Officers' Engineering School at Kumbor, Gulf of Kotor. In April 1941 I was appointed navigating officer of the minelayer *Jastrež*, which laid mines at the entrance to the Gulf of Kotor. On several days I performed the same duty on minelayers of the Marjan Class, of which there were then eight. (The two ships *Mljet* and *Meljine*, mentioned below, are of this class.) After the capitulation of Yugoslavia (18 April, 1941), I escaped from the Gulf of Kotor and managed to reach Ljubljana. I was arrested by the Italian police on 19 February, 1942, and sent to a concentration camp, at Gonars, near Udine. I escaped and was recaptured in June 1942. In November 1942 I was moved to a camp at Chiesanova, near Padua. I escaped on 8 September, 1943, after the camp had been occupied by the Germans. I passed the German/Allied lines on 16 November, 1943, and reached New Zealand units near the village of Quadri, on the River Sangro. I was sent to Bari, where I joined the Royal Yugoslav Navy. I was then sent to Taranto and Malta.

2. In Malta I was promoted lieutenant-commander on 14 March, 1944. (I had been promoted lieutenant on 28 June, 1939.) In Malta I served as captain of the torpedo boat T 1 and as instructor in reserve naval officers' course and ratings' courses, and I completed the British torpedo and operational radar courses. While I was still captain of the T 1, this ship was attached (June 1945) to the Royal Navy's 8th Minesweeping Flotilla and acted as fast marker for minesweeping operations around Malta. I studied the British minesweeping manuals in preparation for this work and was present at all operational conferences.

3. At the end of the war I decided to return to Yugoslavia and reached Sibenik on the minelayer *Orao* on 18 August, 1945. Between 6 September and 15 November, 1945, I served as navigator and minesweeping officer in *Orao* for minesweeping operations in the Northern Adriatic in waters near Fiume (Rijeka) and Bakar. I was also in charge of a German lieutenant-commander and two German petty-officer prisoners, minelaying and minesweeping specialists, who had volunteered to show where mines had been laid, and how to use German

gear for sweeping magnetic and acoustic mines. I do not remember the German officer's name, but he was a former Merchant Marine captain and river pilot on the River Elbe. All three remaining mine-layers of the Marjan class which had survived the war (*Marjan*, *Mljet* and *Meljine*), together with *Orao* and about 8 ex-Italian wooden motor fishing boats, formed a minesweeping flotilla working in the Northern Adriatic.

4. On 15 November, 1945, I was transferred to the corvette *Partizanka* (ex *Nada*, and formerly H.M.S. *Mallow*) in Sibenik as instructor in navigation for partisan officers (that is, men who had become officers of the partisan navy in war time, but who had no naval technical qualifications) and as instructor for radar and asdic operators. In March 1946 I was transferred to Sibenik naval base, in charge of the Signals Workshop and Stores, where I remained until February 1947. In February 1947 I was transferred to Dubrovnik as instructor in electro-technics and radio-electronic aids to navigation at the Naval Academy. On October 6, 1947, I came to England.

5. In the early morning of Wednesday 16 or Thursday 17 October, 1946, there arrived at the Mandalina naval base, Sibenik, three naval ships: *Vis* (formerly the water carrier *Sitnica*), base ship of the Yugoslav minesweeping flotilla, and two units of the same flotilla, *Mljet* and *Meljine*. From talking with members of the crew I learned that these ships had come from the Northern Adriatic. All three ships required certain repairs to their W/T sets and wiring of supply cables for the sets. These were to be undertaken by my staff from the Signals Workshops and Stores. I am certain that the day on which the ships arrived was either Wednesday or Thursday because I estimated that the work would take at least three days and might involve my staff working on Saturday afternoon. On Saturday it was usual for the Signals Workshop staff to finish work at 1300 and on weekdays at 1600.

6. Every morning I passed by the quay on my way from breakfast in the mess to my office. I first saw the ships at about 0730. I was told that they had arrived a few hours earlier. *Vis* was lying alongside *Hvar*, the headquarters ship of the Yugoslav Fleet Command, and *Mljet* and *Meljine* were stern to the quay immediately to the south. During the morning I received orders from HQ Fleet Command to start the W/T repairs at once and to complete work as soon as possible. No specific time was fixed for completion. Work on *Vis* began the same day and was carried out by Pero Opacak, a technician on my staff. Midshipman Keric, also of my staff, began work on *Mljet* and *Meljine* at 0700 the next morning, Thursday 17 or Friday 18 October.

7. Just before noon on the 17th or 18th I received two telephone calls. One from the Signals Officer of Fleet Command, Sub-Lieutenant Skracic, and the other from the Chief of Staff, Fleet Command, Commander Viktor Kobol. These calls were to say that work must be finished temporarily and at once, and the W/T operators must be immediately instructed how to accommodate themselves to the temporary adjustments already made. The W/T apparatus would have been good enough to enable instructions to be received en route. Permanent repairs were to be postponed. Keric, who had been working on *Mljet* and *Meljine*, returned to the Signals Workshop at about 1500 and told

me that he had finished the work temporarily and that the ships had already left the Uvala Sveti Petar (St. Peter's Cove) Mandalina Naval Base. My staff were pleased at this news, one of them remarking: "Thank God, we don't have to work on Saturday."

8. That afternoon (17 or 18 October) at 1615 I boarded as usual a motor launch at the small quay at the head of the Uvala Fornaza (Fornaza Cove), Sibenik. This quay is near to the Naval Signals Workshops. I proceeded in the motor launch to Sibenik town. (I spent every night in Sibenik.) When the launch reached a point about 100 metres beyond Kulina Point at the tip of Mandalina Poluotok (Mandalina Peninsula) I saw the two ships *Mljet* and *Meljine* in Panikovac Cove, about 500 metres to the west. I am positive that at this distance, with sun about 30 degrees to the left, I could easily see the mines and the rails and distinguish the round contact mines from oval magnetic mines.

9. The two ships were partly loaded with mines. There were about 20 mines in each, mostly contact moored mines, with horns, global in shape. The mines I saw were about 1½ meters diameter and they were undoubtedly the German Y type mines. I know they could not be British mines as no stocks of British moored mines were left in Yugoslavia and there were, I know, large stocks of German Y type mines in store at Fiume, Bakar, Sibenik and Boka Kotorska. Photographs of the mines swept in the Corfu Channel are of a type of mine exactly similar to those which I saw being loaded on the *Mljet* and *Meljine* at Sibenik on the 17/18 October. I notice in two of the photographs that the swastika sign is roughly marked on the mine casing of one of the mines recovered. This was common practice in Yugoslavia amongst the sailors to mark with swastikas material which they knew to be of German origin. There were men in the ships and on the small quay in the cove at the entrance to a tunnel where I knew mines were stored. I saw one mine loaded on to each ship by means of the ship's derrick. In view of the bright sunshine I cannot say precisely the colour of the mines, but from the glitter on them I knew that they were newly painted. The rails for launching mines were visible on the minelayers.

10. My interest was roused particularly by the fact that the mines had contact-firing horns fitted, and because I knew that the mine-launching rails had previously been removed and the ships used as minesweepers in Northern Adriatic and Sibenik waters. The rails had not been fitted when last I had seen the ships at 0900 that morning. I knew that there were fitting screws in the deck, and the rails could have been fitted on both ships in about an hour.

11. The same evening at about 1830 while sitting on the terrace of a private house in Sibenik town I saw the two minelayers again. They were still in Panikovac Cove, a distance of about 1 kilometer away from me. I observed that they were fully loaded with mines, and as I knew that each ship could carry from 40 to 45, I estimated that together they were carrying 80 to 90 mines.

12. On visiting the HQ ship *Hvar* at about 0800 the next morning, I learned that the two ships *Mljet* and *Meljine* had left Sibenik during the night. I confirmed by personal observation that they were no longer present.

13. On the evening of 22 October I listened in, as usual, to the B.B.C. broadcasts in Serbo-Croat, English, German and Italian, and heard the announcement of the mining of two British destroyers in the Corfu Channel. My immediate reaction was to connect this disaster with the hasty departure of *Mljet* and *Meljine* and the mines I had seen in them.

14. Later the same evening I thought over the problem of who could have laid the mines. From conversation with fellow-officers I knew that the Albanians had no minelayers or personnel trained in laying mines. To the best of my knowledge, only the following ships in the Yugoslav Navy were equipped for minelaying:

Orao (now called *Pionir*), primarily built as a minesweeper but equipped with launching rails for minelaying;

3 Marjan class ships (*Marjan*, *Mljet* and *Meljine*), which could be used as both minesweepers and minelayers;

Torpedo Boat T 1, which could carry only 4 mines, and then only after depth charge slips, fitted by the British in Malta, had been removed;

MTBs *Dinara* and *Kajmakalan*, which could carry and lay only 2 mines each;

Several small launches without propulsion and therefore unable to sail except when towed.

Orao and *Marjan*, to the best of my knowledge, were in the Northern Adriatic at either Fiume or Bakar. Even if I had not seen the mines being loaded in Panikovac Cove, I should therefore have been driven to conclude that the two ships *Mljet* and *Meljine* had probably been responsible for laying the mines.

15. *Mljet* and *Meljine* returned to Sibenik about four days after the B.B.C. announcement. I did not see them arrive and believe they came during the night. I saw them first on the morning after their arrival when I was visiting the *Hvar*. The minelaying rails were certainly still in position on one ship, and may have been on the other, but there were no mines on either ship.

16. In conversation at a private party that evening or the next day, the engineer officer of one of the two minelayers (Sub-Lieutenant Drago Blazevic) told me that after leaving Sibenik the ships sailed for Boka Kotorska (Gulf of Kotor) to refuel, and subsequently sailed again from Boka Kotorska for what he described as "an important duty". (To refuel at Boka Kotorska would be quite normal. There is a maintenance station there and the operation would take about 2 hours.) I questioned Blazevic about the nature of this important duty, but he declined to tell me.

17. On the morning after the party an officer, who had also attended the party, and who was a friend of Blazevic, told me in confidence that the engineer officer had said to him that the two ships had been laying mines in Albanian waters. As I knew that the cruising speed loaded of these minelayers is 6 knots, I knew that they could have reached the Corfu Channel and laid the mines before 22 October. The distance from Sibenik to Saranda by Boka Kotorska is not more than 350 miles, for which two and a half days' sailing would suffice.

18. With regard to the mines in store at Panikovac Cove, Sibenik, I believe that stores were left there by the Germans when they with-

drew at the end of 1944. Stocks were increased during 1945-1947 by the transfer of mines from Fiume and Bakar, where large numbers had been left by the Germans. In particular, a dump of about 2,000 mines had been left near Fiume (Rijeka) railway station, and after an explosion nearby had shown the danger of leaving this store in the heart of the town, about 1,000 of these mines were transferred to Bakar in 1945. When I was in Bakar in 1945 I saw ex-German barges leaving the port, towed by tugs, and carrying from 50 to 100 mines each. In conversation with crews of the tugs I learned that these mines were being sent to Sibenik and the Gulf of Kotor. When I was at Sibenik in 1947 I often saw such barges together with the tug R 1, then known by the name *Jaki*, sometimes at Mandalina Naval Base and sometimes in Panikovac Cove. The barges, which I believe to have been formerly German Siebel ferries, carried mines, scrap metal, spare parts for motor trucks, cans of petrol and harbour obstruction gear.

19. The lines "A" to "B" and "B" to "C" on the attached map marked "Z" indicate the route which the ships would most likely follow from Sibenik—Boka Kotorska—Corfu Channel. I am very familiar with this route.

(Signed) KAREL KOVACIC.

Sworn at Whitehall in
the County of London
this fourth day of October,
one thousand, nine hundred and
forty-eight.

Before me :

(Signed) [Illegible],

Commissioner for Oaths,
12, Whitehall, London, S.W. 1.

Annex

CHART SHOWING THE ROUTE PROBABLY FOLLOWED BY THE VESSELS IN
GOING FROM SIBENIK TO BOKA KOTORSKA AND TO CORFU CHANNEL

[See special volume.]

3. COPY OF A NOTE FROM THE MINISTRY FOR FOREIGN
AFFAIRS OF GREECE TO THE BRITISH EMBASSY IN ATHENS

Ministère royal
des Affaires étrangères.
No. 42473.

NOTE

The Royal Hellenic Ministry for Foreign Affairs present their compliments to His Britannic Majesty's Embassy and have the honour to

state that the Royal Hellenic Government having been notified beforehand in 1946 of the intention of His Britannic Majesty's Government to sweep the Corfu Channel of the mines which had been laid there, gave their full approval to this proposal.

The Royal Hellenic Ministry for Foreign Affairs avail themselves of this opportunity to renew to His Britannic Majesty's Embassy the assurance of their highest consideration.

British Embassy,
Athens.

Athens, 13th August, 1948.

4. AFFIDAVIT BY COMMANDER SWORDER REGARDING MINESWEEPING IN THE CORFU CHANNEL IN OCTOBER 1944, JANUARY AND FEBRUARY 1945

In the matter of the Corfu Channel case before the International Court of Justice.

I, Commander Edward Robert Denys Sworder, O.B.E., D.S.C., a Commander in the Royal Naval Volunteer Reserve, make oath and say as follows:—

1. I was a minesweeping officer in the Mediterranean from the 8th November, 1942, to the 1st June, 1946, and from the 26th October, 1943, to the 1st June, 1946, I was on the staff of the Allied Naval Commander-in-Chief, Mediterranean. In October, 1944, I was the Staff Minesweeping Officer, and responsible to the Commander-in-Chief for the sweeping of safe channels through minefields, and for recommending these channels safe for navigation for Allied shipping.

2. I attach the relevant extracts from Admiralty Confidential Book No. 4031 which lays down the procedure to be followed in forwarding minesweeping reports. It will be seen that, when negative results are obtained in a sweep, Minesweeping Report No. 1 is rendered, and that this report is sent only to the authority ordering the operation and not to any higher authority. The first telegram in Annex 27 of the United Kingdom Reply is of this character and it is a pure accident that this was picked up by the Admiralty wireless. Other reports of a similar character would no doubt have been destroyed when routes 18/32 and 18/34 were declared safe, as no purpose would have been served by keeping them.

3. On the other hand, upon completion of a minesweeping operation when mines had been encountered, a detailed report known as Minesweeping Report No. 2 was forwarded by the Senior Officer of the Minesweeping Flotilla concerned to the Allied Naval Commander-in-Chief. This report and the tracing were carefully examined by myself as Staff Minesweeping Officer, the Fleet Torpedo Officer and the Fleet Navigating Officer. If we all three were satisfied that the channel had been properly swept, a message (such as a Q.B.C.) was broadcast to Allied shipping that it was a safe route. The prefix Q.B.C. was used to denote a swept channel in the Eastern section of the Mediterranean Station. An example of the use of this report is found on pages 113-117¹ of the

¹ See Vol. I, pp. 161-167.

United Kingdom Memorial, it having been used, according to instructions, when mines were swept on the 13th November, 1946.

4. On the 7th November, 1944, when a safe route through the North Corfu Channel was declared as Q.B.C. 925 there were also 124 other swept channels already in use. These 124 channels had been swept by Allied minesweepers and during this minesweeping they had swept 4,732 mines. It could be said, therefore, that the minesweepers at this stage of the war had had considerable experience of establishing swept channels. For instance, the B.Y.M.S. of the 153rd Minesweeping Flotilla, before sweeping the North Corfu Channel between the 10th and 15th October, 1944, where no mines were found, had during the previous four weeks established swept channels further north through the Splitska Channel, the Hvar Channel, and Korcula Channel and the Scedro Channel. During these operations, which commenced on the 20th September and completed on the 8th October, 1944, 156 mines were swept. The actual area swept by the 153rd Minesweeping Flotilla between the 12th and 15th October, 1944, is shown on the attached chartlet.

5. The Senior Officer of this Flotilla, Lieutenant Commander F. R. Calls, R.N.R., is not available to give a personal testimony of the efficient work of his flotilla. On the 17th October he proceeded southwards with his flotilla to sweep a channel through the Narrows between the Gulf of Patras and the Gulf of Corinth where he and his ship were lost. But there can be no possible doubt that the sweeping of the North Corfu Channel by the 153rd Minesweeping Flotilla was efficiently carried out.

6. When the Allied Naval Commander-in-Chief, Mediterranean, received the message on the 7th November, 1944 (in Annex 27 of the United Kingdom Reply), from the Flag Officer of the area in which the Corfu Channel was situated, he had no hesitation in using this route for his destroyers and other ships.

7. During January and February, 1945, B.Y.M.S. of the 152nd Flotilla and Motor Launches of the 24th Motor Launch Flotilla were based at Corfu and periodically searched the Channel, but no mines were found. No record of the sweepings carried out by these flotillas can be traced and, for the reason given in paragraph 2 hereof, it is unlikely that they will be traced.

8. By February, 1945, the Allies had advanced to the northern part of the Adriatic. There were no U-boats left in the Mediterranean capable of laying these mines; the Allies were masters of the air and in any case the German Y type mine cannot be laid by aircraft. It would therefore be impossible for any mines to have been laid by the enemy in the North Corfu Channel after February, 1945.

(Signed) E. R. D. SWORDER.

Sworn at Whitehall
in the County of London
this 22nd day of October,
nineteen hundred and forty-eight.

Before me:

(Signed) F. H. GRAIN,
A Commissioner for Oaths.

*Annex I*WAR-TIME INSTRUCTIONS ON THE FORWARDING OF
MINESWEEPING REPORTS*Relevant Extracts from Chapter 10 of C.B. 403I.**Minesweeping Report No. 1.*

Minesweeping Report No. 1 is to be rendered on completion of routine search of an established channel or an exploratory search of a channel or area, provided that no moored or ground mines have been encountered. Minesweeping Report No. 1 should be rendered in original only to the Authority ordering the operation.

Minesweeping Report No. 2.

Minesweeping Report No. 2 is to be rendered on completion of any minesweeping operation when mines have been encountered. Minesweeping Report No. 2 to be rendered in triplicate (training original only) to the officer ordering the operation, on completion of any minesweeping operation when moored mines have been encountered. The original should be forwarded to the Admiralty as soon as possible. Concerning ground mines this report is only required after a definite clearance operation has been ordered.

Minesweeping Report No. 3.

This report is required in original only by vessels finding drifting mines during war. Minesweeping Report No. 3 should be rendered to the officer ordering the operation.

Minesweeping Report No. 4.

This report is to be rendered in triplicate by sweepers encountering moored mines. When searching forces discover a minefield this report is to be forwarded to amplify items of Minesweeping Report No. 2 for a typical mine. This latter report is also to be forwarded. Minesweeping Report No. 4 should be rendered as for Minesweeping Report No. 2.

Minesweeping Report No. 5.

Minesweeping Report No. 5 is to be rendered whenever a ground mine is swept.

Minesweeping Report No. 6.

Minesweeping Report No. 6 is to be rendered by the senior officer of the minesweepers concerned to the Authority ordering the operation, when encountering enemy, anti-sweeping devices and obstructors. This Authority will forward the report to the Admiralty.

I certify that this is a true copy of the relevant text relating to minesweeping reports in Chapter 10 of C.B. 403I issued by the Admiralty in January, 1943.

(Signed) E. R. D. SWORDER,
Commander R.N.V.R.

Annex 2

CHART SHOWING SECTORS SWEEPED IN OCTOBER 1944

[See special volume.]

5. AFFIDAVIT BY D. G. JACOBS, FIRST LIEUTENANT OF
B.Y.M.S. 2009 OF 153rd MINESWEEPING FLOTILLA,
IN OCTOBER 1944

In the matter of the Corfu Channel case before the International Court of Justice.

I, Desmond George Jacobs, of 51 The Towers, Grand Avenue, Worthing, Sussex, make oath and say as follows:—

During the Second World War I was a lieutenant in the Royal Naval Volunteer Reserve. In October 1944 I was First-Lieutenant of His Majesty's Ship B.Y.M.S. 2009 of the 153rd Minesweeping Flotilla.

On the 11th October, 1944, we commenced to sweep the old German route through the North Corfu Channel. Danbuoys were laid to mark the extent of swept water and sweeping continued on the next day in the channel opposite the Bay of Saranda as far south as Denta Point. This operation culminated in a check sweep with double Oropesa sweeps, i.e. a cutting sweep on both sides of the ship.

On the morning of the 13th October B.Y.M.S. 2009 proceeded to sweep the Corfu Channel southwards from Denta Point; I remember the date because it was Friday the 13th and some of my crew were superstitious. B.Y.M.S. 2077 carried out an independent search to westward of the Channel in order to determine its extent. During this operation she cut mines north of Barchetta Rock, i.e. just outside the German channel. I have since studied charts of the known minefields in this area and I consider that these mines were probably part of Q.B.Y. 539. Sweeping was continued southwards to Corfu and was completed on the 15th October.

From this time onwards this channel was to my personal knowledge constantly used by Allied shipping including my own ship on two occasions, once at the end of October 1944 and again in January 1945.

(Signed), DESMOND G. JACOBS.

Sworn at 40 Carey Street
in the County of London
this twenty-second day of October
nineteen-hundred and forty-eight.

Before me:

(Signed) MEADOWS MARTINEAU,
A Commissioner for Oaths.

6. AFFIDAVIT BY COMMANDER SWORDER SHOWING THE MANNER IN WHICH MEDRI CHARTS WERE DRAWN UP

In the matter of the Corfu Channel case before the International Court of Justice.

I, Commander Edward Robert Denys Sworder, O.B.E., D.S.C., a commander in the Royal Naval Volunteer Reserve, make oath and say as follows:—

MEDRI.

1. I was the staff minesweeping officer on the staff of the Allied Naval Commander-in-Chief, Mediterranean, during 1945, and was responsible to him for the sweeping of safe routes through the minefields in the Mediterranean sea. I was, therefore, concerned in the transfer of the control of these routes from the Allied Naval Commander-in-Chief, Mediterranean, to the International Routeing and Reporting Authority.

A brief description of the transfer of control of these routes is as follows.

2. On the 26th July, 1945, a committee was set up in London called the International Routeing and Reporting Authority and held its first meeting. The I.R.R.A. consisted of representatives of Belgium, Denmark, France, Great Britain, Greece, Holland, Norway, Sweden, the United States and the U.S.S.R. The object of the I.R.R.A. was to take over the control and routeing of merchant shipping which, during the war and up till that time, had been under the authority of the Allied Naval Command. At this first meeting the I.R.R.A. took over the control of the routes in North-European waters and the responsibility of issuing North-European Coastal Routeing Instructions (short title N.E.C.R.I.).

3. At the second meeting of the I.R.R.A. on 14th August, 1945, the Authority decided to take over also control of the routes in the Mediterranean. This decision was communicated to the Allied Naval Commander-in-Chief, Mediterranean, and the routes in use at that time, including Q.B.C. 925, North Corfu Channel, were incorporated in the Mediterranean Routeing Instructions.

Note. The prefix Q.B.C. was used to denote a swept channel in the eastern section of the Mediterranean Station.

4. At the fourth meeting of the I.R.R.A. held on the 28th September, 1945, a proposed Notice to Mariners was adopted. This included the following statement—

Mediterranean Routeing Instructions (Medri) will shortly be issued to promulgate routes in the Mediterranean.

5. At the fifth meeting of the I.R.R.A. held on 18th October, 1945, the chairman reported that the position regarding publication of Medri was much better than had been thought possible and it was hoped to have Medri and the relevant charts ready for distribution on 1st November, 1945.

6. The first issue of Medri in five parts is dated 17th October, 1945, and Part V contains Route 18/54 which is identical with the route through the North Corfu Channel. (See Annex 27 of the Reply, Q.B.C. 925.) This route was later renumbered 18/34 and on the 23rd October, 1946, after two ships had been mined while navigating this route, it was cancelled and closed to shipping. The route through the North Corfu Channel had, therefore, been unchanged and in continual use from the 7th November, 1944 (when Q.B.C. 925 was issued) up till the 23rd October, 1946.

7. At the first meeting of the Mediterranean Zone Mine Clearance Board on the 5th November, 1945, copies of the first Medri booklets and index charts were shown and explained to the members of the Board, when representatives from Great Britain, Greece, France, U.S.A. and U.S.S.R. attended.

At neither the meetings of I.R.R.A. or the Mediterranean Zone Mine Clearance Board were any objections raised regarding the issue of the Medri booklet and index charts, or the inclusion of the route through the Corfu Channel, Medri 18/54 in this publication.

(Signed) E. R. D. SWORDER.

Sworn at Whitehall in
the County of London
this twenty-second day of October,
nineteen hundred and forty-eight.

Before me :

(Signed) F. H. GRAIN,
A Commissioner for Oaths.

7. LOG-BOOKS OF THE "VOLAGE", "MAURITIUS",
AND "LEANDER"

[See special volume.]

8. AFFIDAVIT BY LIEUTENANT GODSAL, OFFICER OF THE
WATCH ON BOARD THE "SAUMAREZ" ON OCTOBER 22nd, 1946,
FROM 14.00 HOURS TO 14.53 HOURS

*In the matter of the Corfu Channel case before the International Court
of Justice.*

I, Walter Edward Browning Godsall, of Iscoyd Park, Whitchurch, Shropshire, make oath and say as follows:—

I am a lieutenant in the Royal Navy. On the 22nd October, 1946, I was serving in H.M.S. *Saumarez* and from 14.00 to 14.53 I was officer of the watch and so responsible for keeping the ship on its prescribed course. My orders were to keep the ship in the wake of H.M.S. *Mauritius* which was ahead.

I kept the ship continually in position as ordered and it was in position when struck by a mine at 14.53.

When the ship returned to Corfu a commission was set up composed of Commander M. L. Hardie, D.S.C., R.N., the Fleet Navigating Officer, and Lieutenant Warrington-Strong, D.S.C., R.N., Navigating Officer of H.M.S. *Liverpool*, to report upon the courses maintained by the ships and the position of the destroyers when mined. I attended and gave evidence on oath before this commission, and upon the information which I supplied and other available information the commission made the report dated the 24th October, 1946, the original of which I now produce marked A.

(Signed) WALTER E. B. GODSAL.

Sworn at Whitehall in
the County of London
this twenty-second day of October,
nineteen-hundred and forty-eight.

Before me:

(Signed) [Illegible],

A Commissioner for Oaths.

Annex

REPORT OF A BOARD OF ENQUIRY SET UP
ON THE ARRIVAL OF THE "SAUMAREZ" IN CORFU

"A"

H.M.S. *Liverpool*, at Corfu, 24th October, 1946.

Sir,

We have the honour to submit the following report in accordance with your Number 06/601 dated 24th October, 1946.

After full and careful examination of all the navigational charts and documents available from H.M.S. *Saumarez* and H.M.S. *Volage*, we are agreed that the former was mined in position 008° 3.9 miles and the latter in position 016½° 3.65 miles from Barchetta Rock.

The above positions are shown on the attached cutting from Chart Number 206 on which the appropriate Medri route and adjacent QBY areas have also been plotted.

In our calculations regarding H.M.S. *Saumarez* we have taken the records available from H.M.S. *Mauritius* into careful account and we consider the position given to be accurate, although there is a possibility that the actual position may have in fact been up to two cables to the northwestward.

In the case of H.M.S. *Volage* the position can be stated with confidence, since a reliable three-bearing fix was obtained immediately before the explosion took place.

From the information available to us it has not been found possible to determine the tracks of the two destroyers from the moment when H.M.S. *Volage* first reached H.M.S. *Saumarez* until she had taken her in tow for the second time and had finally set course for Corfu.

The attached tracings therefore only show the track of H.M.S. *Saumarez* from the vicinity of Vedo Island to the moment of the explosion, and that of H.M.S. *Volage*, with H.M.S. *Saumarez* in tow, from the vicinity of Denta Point to Corfu Road.

As H.M.S. *Volage* followed the Medri route from the moment of leaving harbour until reaching H.M.S. *Saumarez*, no track chart of her movements for this period is submitted.

We have the honour to be, Sir,

Your obedient Servants,

(Signed) J. WARRINGTON STRONG,
Lieutenant (N.) Royal Navy.

(Signed) M. L. HARDIE,
Commander (N.) Royal Navy.

The President,
The Board of Enquiry,
H.M.S. *Liverpool*.

(This is the exhibit marked "A" referred to in the affidavit of Walter Edward Browning Godsall sworn before me the 22nd day of October, 1948.

(Signed) [Illegible],
Commissioner for Oaths.)

Appendix

CHART PREPARED BY THE MEMBERS OF THE BOARD OF
ENQUIRY SHOWING THE ROUTE FOLLOWED BY THE "SAUMAREZ"

[See special volume.]

9. AFFIDAVIT BY COMMANDER PAUL, IN COMMAND OF THE "VOLAGE" ON OCTOBER 22nd, 1946

In the matter of the Corfu Channel case before the International Court of Justice.

I, Commander Reginald Trevor Paul, C.B.E., R.N., at present serving in the Signal Division of the Naval Staff at the Admiralty, make oath and say as follows:—

I was the Commanding Officer of His Majesty's Ship *Volage* when she and His Majesty's Ship *Saumarez* were mined in the North Corfu Channel on the 22nd October, 1946.

I have recently studied again the log of H.M.S. *Volage* for that day and prepared from it and from my knowledge of the events which took place the attached track chart. It will be seen that H.M.S. *Volage* was in the Medri Channel opposite Denta Point when H.M.S. *Saumarez* was mined; that she increased speed to go to the assistance of H.M.S. *Saumarez*; that when the tow was being passed from H.M.S. *Volage* to H.M.S. *Saumarez*, both ships drifted outside the Medri Channel; that H.M.S. *Volage* towed H.M.S. *Saumarez* back into the swept channel; that after H.M.S. *Volage* was mined, both ships again drifted towards the Albanian shore but did not go outside the Medri route; and that after I had succeeded in passing another tow to H.M.S. *Saumarez* both ships proceeded stern first to Corfu along the Medri Channel.

(Signed) R. T. PAUL,
Commander R.N.

Sworn at Whitehall in
the County of London
this twenty-second day of October,
nineteen hundred and forty-eight.

Before me :

(Signed) [Illegible],
A Commissioner for Oaths.

Annex

TRACK-CHART OF THE "VOLAGE" PREPARED BY COMMANDER PAUL
[See special volume.]

10. CERTIFIED TRUE COPY OF THE LETTER FROM THE
COMMANDER-IN-CHIEF, MEDITERRANEAN, TO THE
ADMIRALTY, TRANSMITTING THE PROGRAMME FOR THE
AUTUMN CRUISE OF HIS FLEET

Certified true copy of the Commander-in-Chief Mediterranean's letter to the Admiralty of the 15th August, 1946, transmitting the programme for the autumn cruise of his fleet; the originals of these documents are in my custody.

(Signed) G. L. B. DODDS,
Principal, Military Branch, Admiralty.

Office of the Commander-in-Chief,
Mediterranean Station.
15th August, 1946.

No. 2454/Med.46/559/16/1

SECRETARY OF THE ADMIRALTY

MEDITERRANEAN FLEET CRUISE

Be pleased to inform Their Lordships, with reference to the Commander-in-Chief, Mediterranean's signals, timed 241501 June, 241510 June, paragraph 2, and Admiralty Message 161023 July, 1946, that it is intended that all units of the Mediterranean Fleet, which can be made available from operational commitments, should carry out an exercise cruise in the Eastern Mediterranean, from 18th September, 1946, to 1st November, 1946, inclusive.

2. The programme of the cruise is attached at Appendix "A" to the letter.

3. Action to notify the Greek and Egyptian authorities of these movements is being taken separately. The Senior British Naval Officer, Greece, is being instructed to approach the Royal Hellenic Navy with a view to their participating in exercises with the ships of the Mediterranean Fleet during the cruise.

(Signed) A. U. WILLIS,
Admiral.

Annex

APPENDIX "A" TO THE COMMANDER-IN-CHIEF, MEDITERRANEAN'S SUBMISSION NO. 2454/MED.46/559/16/1, DATED 15th AUGUST, 1946

Secret.

Office of the Commander-in-Chief,
Mediterranean Station.

Proposed Mediterranean fleet cruise, autumn 1946.

All times Baker.

All ships taking part leave Malta a.m. Wednesday, 18th September. Exercises on passage—distance 500 miles—time allowed about 56 hours. All ships arrive Nauplia p.m. Friday 20th September. While at Nauplia exercises will be analysed and discussed.

All ships leave Nauplia and disperse as follows:

Period 27th Sept. to 3rd October approximately	{	C.-in-C. in <i>Liverpool</i>	}	0800 Thursday
		<i>Surprise</i>		26th September.
	{	2 destroyers	}	to Syra, Tinos,
		<i>Mauritius</i> (C.S.1)		Suda Bay and
{	}	<i>Leander</i>	}	Héraklion
		2 destroyers		to Monemvasla then
{	}	<i>Blue Ranger</i>	}	Mirabella Bay*
		<i>Vsis</i> and <i>Asis</i>		to Volo, carrying out
				exercises on passage

Period 27th September to 3rd October approximately	<i>Ocean Raider Maine</i>	} to Rhodes.
	<i>Wolfe</i> (?) <i>Tantivy</i> <i>Templar</i> 2 destroyers	} to Skiathos (N.B. if <i>Wolfe</i> is not ready, <i>Ranpura</i> will accompany the submarines)*
	<i>Ranpura</i> (see note above) 2 L.S.T.s 3 L.C.I.s.	} to Kalamata then L.S.T.s and L.C.I.s to Mirabella Bay*
	<i>Phoebe</i> (R.A.D.)	to Port Vathi* (Samos Island)
	2 sloops or frigates	to Salonika
	2 sloops or frigates	to Cyprus to prepare the bombardment range at Cape Arnauti.

Mauritius (C.S.I.), *Leander*, L.S.T.s and L.C.I.s concentrate at Mirabella Bay a.m. 2nd October, to prepare for landing exercises. After this, ships will sail from their respective ports in order to carry out exercises in the Cyprus area during the 4th October.

All ships will anchor at Cypriot ports a.m. Saturday, 5th October, as follows:

Period 5th October to 14th October approximately	Famagusta	<i>Mauritius</i> (C.S.I.) <i>Leander</i> <i>Ocean Raider</i> 3 L.C.I.s
	Larnaka	<i>Phoebe</i> (R.A.D.) All destroyers and escorts. <i>Blue Ranger</i> <i>Ranpura</i> <i>Maine</i>
	Limasol	<i>Wolfe</i> (<i>Ranpura</i> if <i>Wolfe</i> is not available) <i>Tantivy</i> <i>Templar</i> 2 L.S.T.s

Commander-in-Chief in *Liverpool* with *Surprise* in company may visit Haifa, Port Said and/or Alexandria.

While in Cyprus full use will be made of the bombardment range.

Period 15th October to 22nd October approximately	All ships leave Cypriot ports and disperse as follows :	0800 Monday 14th October
	C.-in-C. in <i>Liverpool Surprise</i>	} to Rhodes
	<i>Mauritius</i> (C.S.I) 2 destroyers	} to Corfu
	<i>Phoebe</i> (R.A.D.)	to Heraklion
	<i>Leander</i> <i>Maine</i>	} to Zante
	<i>Wolfe</i> and submarines	to Samos (Cephalonia)
	<i>Ranpura</i> 2 destroyers	to Patras (or to take <i>Wolfe's</i> place) to Spetsai*
	<i>Blue Ranger</i> 3 destroyers	} to Port Drepano*
	2 sloops or frigates	to Itea*
	<i>Ocean Raider</i>	} to Githion
	2 sloops or frigates	to Dragamesti*
	2 sloops or frigates	to Zaverda Bay*
	1 L.S.T.	to Katakola Bay / 1 L.S.T.
	1 L.S.T.	to Monemvasia
	3 L.C.I.s	to Navarin
<i>Vsis</i>	as required.	

Blue Ranger and destroyers will carry out fuelling exercises on passage.

Ships will leave the above ports in order to arrive off Argostoli and form up before entering harbour a.m. Wednesday, 23rd October.

All ships arrive
Pulling Regatta

Argostoli a.m. Wednesday
23rd October
Thursday and Friday 24th and
25th October

Sailing Regatta
All ships leave

Monday and Tuesday 28th
and 29th Oct.
Argostoli a.m. Wednesday
30th October

Exercises on passage
All ships arrive

Malta a.m. Friday 1st
November

Note : Ports marked with an asterisk have not been swept. No mines are known to have been laid there and intelligence is believed to be accurate and complete, but ships should take precautions and proceed at slow speed.

11. PHOTOSTAT COPY OF REPORT OF PROCEEDINGS OF
"VOLAGE", BY COMMANDER PAUL (OCTOBER 23rd, 1946)

[See No. 47, p. 78, and special volume.]

Annex

LIST OF WITNESSES

Enclosure to the Commanding Officer, H.M.S. *Volage's* letter dated
23rd October, 1946

Officers

Commander R. T. Paul, Royal Navy	commanding officer
Lieutenant W. D. S. Scott, Royal Navy	first lieutenant
Lieutenant P. S. Hicks-Beach, Royal Navy	gunnery officer
A/Lieutenant (E) S. A. Nash, Royal Navy	engineer officer

Ratings

Petty Officer R. R. Hepple P/JX 144460	gunnery instructor
Petty Officer E. A. Thatcher P/JX 154957	torpedo instructor
Petty Officer Steward G. Mignace E/X 25061	wardroom petty officer steward

12. REPORT OF PROCEEDINGS OF "SAUMAREZ",
BY CAPTAIN SELBY

[Copy of photostat.]

No. 1/5,
23rd October, 1946.

H.M.S. *Saumarez*, at Corfu.

Sir,

I have to submit the following report of the circumstances in which H.M.S. *Saumarez* was damaged whilst on passage through the North Channel from Corfu under the orders of the Rear-Admiral Commanding, 1st Cruiser Squadron, on Monday, 22nd October, 1946.

2. Destroyers left harbour an hour earlier than the cruisers to prepare for action in accordance with the orders laid down in "XCU" issued by the Rear-Admiral 1st Cruiser Squadron.

3. At 1330 *Saumarez* took station 2½ cables astern of *Mauritius*, forming Group I, and proceeded at 10 knots through the swept channel

4. At 1447 off Fort Edda course was altered to 310 deg. by Red turn from the Rear Admiral 1st Cruiser Squadron; the ship was in station astern when at 1453 a heavy explosion occurred underneath the forepart of the bridge accompanied by a large brilliant yellow flash on the port side and another shooting outward through the starboard side. The ship lost steam immediately and began to settle by the bows. Telegraphs were put to Stop as soon as possible and as soon as smoke had cleared preliminary investigation showed a considerable area of damage below water from the funnel to abreast "B" gun. Smoke and flame soon appeared and the bridge was evacuated for the emergency conning position. Steam was again raised in No. 2 boiler within a very short time, but reports received showed a major fire in the vicinity of the for'ard oil fuel tanks and for'ard Bofors magazine and shell rooms.

5. The starboard side of the hull abreast the bridge had been blown out. No. 1 boiler room immediately flooded as did probably all compartments as far forward as the fore and of the stokers mess deck. Dense clouds of smoke and considerable flame were coming from the region of the W/T Office and a ring of flame appeared close to the starboard side of the ship forward; this spread and set on fire a large amount of oil fuel floating near the starboard bow.

6. About this time pressure became available on the after section of the fire main and fire-fighting commenced from the break of the foc'sle. Inspection showed that the flat containing the T. S., W/T Office, radar and other offices was a raging inferno, which accounted for the large number of casualties.

7. The ship had been falling off the wind all this time, and luckily drifted off the fuel burning on the surface; the internal fires were, however, obviously being fed from what fuel remained under the ship. The fire was attacked from both fore and aft, whilst a check was being made whether the ship could be steamed stern-first. The ship had drifted out of the swept channel towards the lee shore of Albania, and preparations were made for being taken in tow aft by H.M.S. *Volage*, who was then closing.

8. At this time engines were reported ready for trial and the ship was manoeuvred by engines to turn stern to wind whilst *Volage* closed and towed *Saumarez* stern first. Considerable trouble in keeping steam was experienced due, as proved later, to sea water leaking into the feed line to No. 2 boiler.

9. As the ship was towing comfortably, every effort was made to combat the fire with hoses and foam available, whilst casualties were collected abreast the after tubes for attention.

10. It appeared that the fire was being confined to the original area, but at approximately 1630 *Volage* was seen to have her bows blown off and she slipped the tow. This was left on *Saumarez* towing slip in the hope that it would assist in keeping the stern up to wind, but owing to the depth of water no value was obtained.

11. At approximately 1600 main engines were again moved and ship was turned stern to wind, after which steam failed again completely, as the boiler primed due to the salt water in the feed system.

12. This left the ship with no power of any kind as the after Diesel was defective and the foremost was in No. 1 boiler room. The fire therefore spread rapidly and took a firm hold, as the only fire appliances available were two hand pumps.

13. An excellent piece of ship-handling by *Volage* resulted in her again taking *Saumarez* in tow bow to stern and proceeding stern first south through the swept channel to Corfu.

14. An interval of some 2½ hours elapsed before an emergency lead could be run from *Volage* and pumps and lights supplied; after which fire-fighting continued from the break of the foc'sle and the bridge, and ready use ammunition at "A" and "B" guns was then thrown overboard except for a few rounds at the former which were unapproachable due to heat.

15. As the for'ard bulkhead of No. 2 boiler room was intact except for a small leak through an electric gland, I decided that the ship could well be got to Corfu, although probably the forepart would have to burn itself out assisted by the moderate wind from astern. *Mauritius* boat arrived at dusk with portable Diesel pump and medical assistance, both of which were invaluable.

16. At approximately 2030 *Raider* joined and was asked to close starboard bow of *Saumarez* and endeavour to cool the ship's side from outboard. Excellent ship-handling by the Commanding Officer for three or more hours kept *Raider* close enough to be of great value in this. From 2100 cruisers and *Ocean's* boats arrived, transporting casualties to shore and *Ocean* fetching fire-fighting stores, etc., whilst *Ocean* provided a strong fire-fighting team with foam, who by working in shifts finally got the fire under control. *Volage* and *Saumarez* secured astern of *Leander* for the night on arrival.

17. All remaining casualties were then evacuated to *Ocean* and the majority of the ship's company followed for the night, leaving 4 officers and approximately 30 ratings on board.

18. Before securing the foremost bulkhead of No. 2 boiler room was shored up with assistance from *Leander*, as by this time the boiler was cool enough to work around, and the ship had settled more by the bow.

19. The following morning the Rear Admiral 1st Cruiser Squadron and later the Commander-in-Chief Mediterranean visited *Saumarez*; by which time all fires were well under control, and arrangements were made to tow both ships to a smoother anchorage to await the arrival of *Ranpura*.

20. All times given above are of necessity approximate only, and may in some cases be considerably in error owing to the difficulties of estimating time correctly under such circumstances.

21. A list of suggested witnesses is enclosed.

I have the honour to be, Sir,

Your obedient servant,
(Signed) W. H. SELBY,
Captain (D).

The President of the Board (3 copies).

Copies to :—The Commander-in-Chief, Mediterranean (afloat).
The Rear-Admiral 1st Cruiser Squadron.
The Commanding Officer, H.M. Ship *Volage*.

Encl.—List of suggested witnesses.

Annex

LIST OF SUGGESTED WITNESSES

Enclosure to Captain (d) Third Destroyer Flotilla's letter No. 1/5 of
23rd October, 1946

Commander (E) J. E. H. H. Machen, R.N.
Lieutenant E. F. Gueritz, D.S.C, R.N.
Lieutenant (E) C. J. H. Shackleton, R.N.
Lieutenant C. P. N. Wells-Cole, R.N.
Surgeon Lieutenant M. D. O. ? Riorden, R.N.V.R.
C.E.R.A. G. F. Fowler; D/MX.49595.
R.R.A. J. A. Griffin, D/MX.66524.
A.B. — Wheeler, Off. No. Not available.
P.O. Tel. J. Coade, D/JX.154159.
P.O. — Richards, D/JX.149722.
P.O. — Gill, Off. No. NK.
A.B. H. C. Straker, D/JX.728985.
A.B. R. A. Munten, D/JX.707942.
A.B. — Northcote, Off. No. NK.
S.P.O. G. H. Williams, D/KX.89552.
S.P.O. — Wilcox, D/KX.93547.
Ch. Stoker — Carter, Off. No. NK.

Lack of particulars of some of the above ratings is due to entire destruction of all ratings particulars and short time available for compiling of report preventing their numbers being ascertained from ships of the fleet accommodating them.

13. PHOTOSTAT COPY OF REPORT OF PROCEEDINGS OF
"LEANDER", BY CAPTAIN OTWAY RUTHVEN
(OCTOBER 23rd, 1946)

[See No. 46; p. 78, and special volume.]

14. REPORT OF PROCEEDINGS OF "OCEAN",
BY CAPTAIN JOHN

[Copy of photostat.]

REPORT OF PROCEEDINGS IN CONNEXION WITH DAMAGE TO
"SAUMAREZ" AND "VOLAGE"

From: The Commanding Officer, H.M.S. *Ocean*.
Date: 24th October, 1946. No. 5/2/5208.
To: The President, Board of Enquiry, H.M.S. *Liverpool*.
(Copies to: Commander-in-Chief, Mediterranean.
Rear-Admiral Commanding, 1st Cruiser Squadron, H.M.S.
Mauritius.)

The following report is forwarded in accordance with the Commander-in-Chief, Mediterranean's 231216.

2. H.M.S. *Ocean's* main tasks were collecting and dealing with casualties, providing fire-fighting and damage control parties, equipment, food and fresh water. All the ship's power boats were used, reinforced by boats from *Mauritius*, *Leander* and *Saumarez*. Boat work was not easy due to wind force 5 with a short steep sea.

3. A total of 44 casualties and 83 uninjured officers and men was received on board. Serious casualties were hoisted in by crane and sent down to the sick bay and mess decks by forward aircraft lift and bomb lift. Two medical officers from H.M.S. *Ocean*, one from H.M.S. *Leander* and one from H.M.S. *Saumarez* dealt with casualties. A Greek doctor and six attendants from Corfu assisted for a period. All casualties were retained in H.M.S. *Ocean* for the night with the exception of three who were taken to Corfu by a boat from H.M.S. *Mauritius* before H.M.S. *Ocean* arrived.

4. Casualties were transferred to H.M.S. *Maine* a.m. on 23rd October.

5. Great difficulty was experienced in dealing with the fire in H.M.S. *Saumarez*, and it was not finally got completely under control until after the ships had secured astern of H.M.S. *Leander*.

6. I consider that the Commanding Officer, H.M.S. *Volage*, did a first-rate job in bringing his own ship and towing H.M.S. *Saumarez* back to Corfu Roads.

(Signed) C. JOHN,
Captain.

Encl. Chronological series of events.

Annex

CHRONOLOGICAL SERIES OF EVENTS

(Enclosure to the Commanding Officer, H.M.S. *Ocean's* No. 5/2/5208 dated 24th October, 1946.)

22nd October	1538	<i>Raider</i> detached to assistance of <i>Saumarez</i> .
	1547	Aircraft completed landing on in position 230° Corfu Citadel 33 miles. Ship proceeded at 22 knots to assistance of <i>Saumarez</i> .
	1955	Ship in position 007° Corfu Citadel 6 miles. Two motor boats and three motor cutters lowered and sent to <i>Volage</i> and <i>Saumarez</i> with medical and salvage parties and equipment. Thereafter, boats ran a continuous shuttle service with casualties, fire-fighting and salvage parties, food and D. C. Gear. <i>Ocean</i> remained in vicinity of damaged ships.
	2140	<i>Leander</i> joined, stood by damaged ships and sent boats.
23rd October	About 0300	<i>Volage</i> and <i>Saumarez</i> secured astern of <i>Leander</i> .

15. CERTIFIED TRUE COPY OF REPORT OF REAR-ADMIRAL KINAHAN, COMMANDING FIRST CRUISER SQUADRON IN H.M.S. "MAURITIUS", ON THE EXPLOSIONS CAUSED ON BOARD THE "SAUMAREZ" AND "VOLAGE" BY MINES

Certified true copy of a letter dated the 23rd October, 1946, from the Rear-Admiral commanding the First Cruiser Squadron to the Commander-in-Chief, Mediterranean, concerning the mining of H.M.S. *Saumarez* and *Volage*, the original of which is in my custody.

(Signed) G. L. B. DODDS,
Principal, Military Branch, Admiralty.

Confidential.

From: The Rear-Admiral Commanding First Cruiser Squadron,
H.M.S. *Mauritius*, at Corfu.

Date: 23rd October, 1946. No. 321/13

To: The Commander-in-Chief, Mediterranean Station (afloat).

*Report of the mining of H.M. Ships "Saumarez" and "Volage" on
22nd October, 1946.*

At 1330B on 22nd October, 1946, I left Corfu Roads in H.M.S. *Mauritius* with H.M. Ships *Leander*, *Saumarez* and *Volage* in company and proceeded in accordance with my memoranda X.C.U. dated 5th October, 1946, and X.C.U.I. dated 13th October, 1946.

2. At 1445B Group I, consisting of H.M. Ships *Mauritius* and *Saumarez*, altered course in succession to 305 degrees in the Medri route off Denta Point. After the turn the *Saumarez* was seen to be in proper station in close order astern of the *Mauritius*.

3. At about 1452 my staff officer (operations) reported that he had seen a large mobile gun ashore and while I was endeavouring to locate it from my position on the air defence position in H.M.S. *Mauritius* I heard a large explosion and looking aft I saw a very large sheet of red flame and a large quantity of black smoke coming out from the starboard side of H.M.S. *Saumarez* abreast the fore superstructure. The time was recorded as 1453½B. H.M.S. *Saumarez* was then within a very few yards of the track of H.M.S. *Mauritius*, as is shown by the attached photograph which was taken within about 30 seconds of the sound of the explosion by H. Perrigo, photographer, L/JX 549198.

4. H.M.S. *Saumarez* was quickly enveloped in smoke and was seen to be settling rapidly by the bows. I immediately assumed that she had struck a mine, but as she appeared to be in imminent danger of sinking and fires were breaking out, I ordered H.M.S. *Volage* to close the *Saumarez* and later at 1502 ordered her to take the *Saumarez* in tow and to return to Corfu Roads via the north channel. I realized that this meant endangering H.M.S. *Volage* but considered that the risk was necessary. The wind was from 250 degrees, force about 4,

and H.M.S. *Saumarez* was on a lee shore and probably a hostile one at that.

5. H.M.S. *Leander* was following two miles astern of me. I considered ordering her to turn back to Corfu, but in view of the proximity of known minefields in the QBY areas as well as the unknown dangers of fresh mines in the Medri route, I decided that the safest course was for her to carry on to the north-westwards and therefore at 1457 I directed her to keep carefully in the Medri channel to windward of the *Saumarez* and warned the *Leander* that the *Saumarez* had probably struck a mine.

6. At 1510 I directed H.M.S. *Leander* to proceed west about to Corfu Roads and to be ready to render assistance to the *Saumarez*.

7. After directing H.M.S. *Ocean* to recall her aircraft, I ordered her at 1532 to proceed to Corfu Roads via the south channel with despatch and to send H.M.S. *Raider* ahead to the assistance of *Saumarez*.

8. I proceeded in H.M.S. *Mauritius* along the Medri route until north of Cape Kiephali and then turned to windward to watch events, my intention being to remain in the vicinity until the tow was clear of the north channel in case the Albanian batteries attempted to interfere.

9. I was not able to observe closely the actions of the *Volage* and the *Saumarez*, but I observed that the *Volage* had the *Saumarez* in tow stern first and was making slow progress southwards. H.M.S. *Saumarez* was observed to be on fire forward and there was also an alarming looking oil fuel fire on the water to windward of her.

10. The position in which the *Saumarez* hit the supposed mine was fixed by my Squadron Navigating Officer, Lieutenant Commander P. K. Lankester, as being 002 degrees Barchetta Rock 4.1 miles.

11. At 1625 a message was received from the *Volage* that she had lost her bows on another mine. Nothing was seen of this incident from my bridge. The *Volage* reported her position at 1643 as being 020 degrees Barchetta Rock 3.7 miles.

12. Subsequently H.M.S. *Volage* was able to take the *Saumarez* in tow again and both ships then proceeded stern first towards Corfu. I consider that Commander R. T. Paul, C.B.E., of H.M.S. *Volage*, showed a very high degree of perseverance and skill in carrying out this manœuvre.

13. Until the *Volage* had got the *Saumarez* in tow again, the situation was a most unpleasant one, as it appeared most probable that both ships would drift ashore. I ordered the two motorboats of H.M.S. *Mauritius* and my barge to be sent to the damaged destroyers to render such assistance as was possible either by towing or life-saving. These boats also took with them medical parties and salvage gear. At 1637 I also ordered H.M.S. *Raider* to proceed with all despatch to the area north of Corfu town via the south channel and later directed him also to render all possible assistance to the damaged destroyers, adding that he was not to go north of Denta Point unless ordered to do so by Captain (D), 3rd Destroyer Flotilla.

14. Earlier in the afternoon at 1506 I ordered H.M.S. *Maine* to leave Zante and proceed with all despatch to Corfu. At 1730 I informed Greno, Corfu, that H.M. Ships *Ocean*, *Leander* and *Raider* were arriving that afternoon to render assistance to the *Saumarez* and *Volage*, who had been damaged by mines in the north channel. Greno promptly

took action to prepare to receive casualties at the local hospital and offered any assistance. I then requested him to send his H.D.M.L. to close the damaged destroyers after they had passed through the north channel.

15. Periodical reports of progress were received from H.M.S. *Volage* who made good speed of between two and three knots. By 1957 the damaged destroyers had passed Barchetta Rock southbound and H.M.S. *Raider* was in company. I remained to the north of Corfu in accordance with your instructions until ordered to proceed to Corfu Roads. H.M.S. *Ocean* was then in charge of operations in Corfu roadstead.

16. Copies of relevant messages are attached¹.

(Signed) H. R. G. KINAHAN,
Rear-Admiral.

16. ORIGINAL COPY OF A GERMAN CHART CAPTURED BY THE ALLIES AT THE GERMAN ADMIRALTY, BERLIN (IONIAN SEA AND GULF OF TARANTO, SOUTH-WESTERN COAST OF GREECE)

[See special volume.]

17. AFFIDAVIT BY COMMANDER WHITFORD, SENIOR OFFICER OF THE 5th MINESWEEPING FLOTILLA FROM MARCH TO DECEMBER 1946, EXPLAINING THE DIFFERENCE BETWEEN MINES RECENTLY LAID AND THOSE THAT HAVE BEEN LONG IN THE WATER

In the matter of the Corfu Channel case before the International Court of Justice.

I, Quintin Pasco Whitford, O.B.E., a commander in the Royal Navy, make oath and say as follows:—

I was the senior officer of the 5th Minesweeping Flotilla from March to December, 1946. I have been associated with mines and minesweeping since 1930 as a torpedo and mining specialist officer.

From February, 1943, to August, 1945, I was head of the Counter-measures Section of the Torpedo and Mining Department of the Admiralty and was intimately concerned with minesweeping development and technique. From December, 1945, to May, 1947, I was in command successively of the 12th, 5th and 2nd Minesweeping Flotillas in the Mediterranean.

¹ Not reproduced.

During this period the ships under my command swept several hundred mines, and I had ample opportunity to observe the condition, after sweeping, of German mines laid in the Mediterranean.

I have also had considerable experience as a mining specialist officer of the effects on mines of sea immersion for short and long periods.

Concerning the mines which I swept in the Corfu Channel, I confirm the statements in my report (British Memorial, p. 111¹) that "all appeared to be brand new" and "I can personally vouch for the fact that all mines retained their coat of black paint in practically fresh condition. In my opinion, none of the mines could have been laid longer than two months".

I would refer the Court to the seven photographs in Exhibit VI (c) in Annex 15 of the records of the Security Council. It will be seen that these photographs of mines swept in the Corfu Channel on the 13th November, 1946, bear out my statement regarding the new condition and the fresh paint on the casing of the mines.

I now produce two sets of photographs of mines which have been swept after being submerged in the Mediterranean sea for two years or more in order that the Court may compare the difference in appearance between a newly-laid mine and a mine cut from an old minefield.

I produce photographs M 1, 2, 3.

These photographs are of a German Z-type moored contact mine laid by the German minelayer *Drache* in the North-Ægean Sea on 27th July, 1944, and swept by the minesweepers of the Royal Hellenic Navy in August, 1946. The barnacles and marine growth which have been accumulated during a period of two years can clearly be seen on the outer casing of the mine. It will be observed that they are certified by Captain Golemis, Deputy Chief of Naval Staff.

I produce photographs M 4, 5, 6, 7, 8.

These photographs are of a German Y type moored contact mine cut from a minefield laid by the German minelayers *Drache* and *Bulgaria* on the 10th June, 1943, off the west coast of Greece and swept by British minesweepers on the 3rd August, 1948, after a period of five years' immersion.

Annex 1 to this Affidavit is a letter from the Commanding Officer of His Majesty's Ship *Sursay* dated 16th September, 1948, authenticating the five photographs M 4, 5, 6, 7, 8.

It will be observed from these two sets of photographs that there is considerable marine growth and barnacles on the outer casing of mines after being submerged in sea water for any length of time. If the mines swept on 13th November, 1946, by my flotilla were cut from the old minefields laid during the war, they would look like this.

In this connexion it is well known that the waters of the Eastern Mediterranean produce barnacles and weeds on immersed objects after a comparatively short time.

In the case of H.M.S. *Saumarez*, one of the destroyers mined in the Corfu Channel on 22nd October, 1946, this fact is borne out.

I personally inspected the wreck of this ship at Corfu on 14th November, 1946, and saw that there were distinct traces of marine growth together with rusting on those portions of the wreck above the normal waterline which had been submerged after the explosion; i.e. this effect had occurred after only three weeks' immersion.

¹ See Vol. I, p. 159.

In all my experience in sweeping mines there is no possible doubt that the mines which the 5th Minesweeping Flotilla swept in the North Corfu Channel on 13th November, 1946, were newly laid.

(Signed) Q. P. WHITFORD.

Sworn at Whitehall,
in the County of London,
this 22nd day of October,
nineteen hundred and forty-eight.

Before me:

(Signed) F. H. GRAIN,
A Commissioner for Oaths.

Annex I

PHOTOGRAPHS M 4, 5, 6, 7 AND 8 OF A GERMAN MINE THAT HAD BEEN FIVE YEARS IN THE WATER, WITH A CERTIFICATE BY LIEUTENANT-COMMANDER LITTLEBOY

H.M.S. *Sursay*, at Malta. 16th September, 1948.

I, Lieutenant Robert David Oliver Simmons, Royal Navy, certify that the enclosed five photographic negatives marked G.Y. 3/8/48 are from films taken on the third day of August, 1948, in position 087 degrees, Cape Keri Light (Zante Island), 8.7 miles.

2. They are of a G.Y. mine.
3. The mine was cut in minefield Z.E.8.
4. M.I.M. Section IV page 8. Minefield Z.E.8 laid the tenth day of June 1943, Amendment Number II.

(Signed) R. D. O. SIMMONS,
Lieutenant, Royal Navy.

I, Lieutenant Commander Alfred Nelson Littleboy, Royal Navy, Commanding Officer of His Majesty's Ship *Sursay*, confirm that the above statement is true.

(Signed) A. N. LITTLEBOY,
Lieutenant-Commander, Royal Navy.

Confidential.

From: The Captain (M/S), Second Minesweeping Flotilla, H.M.S. *Fierce*.
Date: 17th September, 1948. No. 2847/2M/7A.
To: The Commander-in-Chief, Mediterranean.

PHOTOGRAPHS OF MINE-TYPE G.Y.

The enclosed negatives are submitted in accordance with Admiralty signal 141747 September 1948.

(Signed) ADAR,
Captain (M/S).

[See photographs in special volume.]

Annex 2

PHOTOGRAPHS M I, 2 AND 3 OF A GERMAN MINE THAT HAD BEEN TWO YEARS IN THE WATER, WITH A CERTIFICATE BY CAPTAIN GOLEMIS

Ministry of the Royal Hellenic Navy,
Athens, 2nd September, 1948.

The attached photograph is of a German type G.Z. mine, laid in position 40 degrees 53.2 minutes north latitude, 24 degrees 58.5 minutes east longitude by the German ship *Drache* on 27th July, 1944. It was photographed on the day it was swept by the Royal Hellenic Navy in August 1945. It was laid at a depth of 3 metres.

(Signed) GOLEMIS,
Captain R.H.N.

[See photographs in special volume.]

18. TELEGRAMS PASSING BETWEEN THE COMMANDER-IN-CHIEF, MEDITERRANEAN, AND THE ADMIRALTY, PRIOR TO THE INCIDENT OF OCTOBER 22nd, 1946, EMBODYING THE INSTRUCTIONS OF THE ADMIRALTY REGARDING THE PASSAGE OF H.M. SHIPS THROUGH THE CORFU CHANNEL

The document marked 1 attached is a certified true copy of a telegram sent by the Admiralty to the Commander-in-Chief, Mediterranean, the original of which is in my custody.

The documents marked 2, 3 and 4 are accurate paraphrases of the text of telegrams exchanged between the Admiralty and the Commander-in-Chief. The originals are in my custody but because of the need to safeguard the security of secret naval ciphers they cannot be produced.

(Signed) G. L. B. DODDS,
27th October, 1948. Principal, Military Branch, Admiralty.

I.
02133 A.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN, FROM ADMIRALTY
REPEATED FOR INFORMATION TO FIRST CRUISER SQUADRON

1st August, 1946.

Admiralty message 061551 July.

H.M. Ambassador has now been instructed to present a note to the Albanian Government giving the reasons why His Majesty's Government do not consider the reply of the Albanian Government to be satisfactory, and concluding with the words "furthermore the Albanian

Government should take note that should Albanian coastal batteries in the future open fire on any of His Majesty's vessels passing through the Corfu Channel fire will be returned by the British vessels involved".

You will be informed as soon as it is known that the Ambassador has presented his note. In the meantime you should continue to refrain from using the channel.

2.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN, FROM ADMIRALTY
 REPEATED FOR INFORMATION TO THE FLAG OFFICER COMMANDING THE
 FIRST CRUISER SQUADRON AND FLAG OFFICER, LIAISON, ITALY

10th August, 1946.

The Albanians have now received the note. North Corfu Strait may now be used by ships of your fleet, but only when essential and with armament in fore and aft position.

If coastal guns fire at ships passing through the strait, ships should fire back.

3.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN, FROM ADMIRALTY

21st September, 1946.

Establishment of diplomatic relations with Albania is again under consideration by His Majesty's Government who wish to know whether the Albanian Government have learnt to behave themselves. Information is requested whether any ships under your command have passed through the North Corfu Strait since August and, if not, whether you intend them to do so shortly.

4.

FROM COMMANDER-IN-CHIEF, MEDITERRANEAN, TO THE ADMIRALTY

22nd September, 1946.

With reference to Admiralty message.... They have not done so yet, but my intention is that Admiral Kinahan, flying his flag in H.M.S. *Mauritius*, with H.M.S. *Leander* in company and two destroyers, should do so when they depart from Corfu on the 22nd October.

19. TELEGRAMS PASSING BETWEEN THE COMMANDER-IN-CHIEF, MEDITERRANEAN, AND THE ADMIRALTY, EMBODYING THE INSTRUCTIONS OF THE ADMIRALTY REGARDING OPERATION RETAIL

The document marked 8 attached is a certified true copy of a telegram sent by the Admiralty to the Commander-in-Chief, Mediterranean, the original of which is in my custody.

The documents marked 5, 6, 7 and 9 are accurate paraphrases of the text of telegrams exchanged between the Admiralty and the Commander-in-Chief. The originals are in my custody but because of the need to safeguard the security of secret naval cyphers they cannot be produced.

(Signed) G. L. B. DODDS,
Principal, Military Branch, Admiralty.

27th October, 1948.

5.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN, FROM ADMIRALTY
REPEATED FOR INFORMATION TO FLAG OFFICER, LIAISON, ITALY, FLAG
OFFICER COMMANDING FIRST CRUISER SQUADRON, AND FOREIGN OFFICE
FOR ADMIRAL MOORE C/O MILITARY STAFF COMMITTEE, NEW YORK

Immediate.

8th November, 1946.

Operation Retail.

It has been decided by His Majesty's Government that you should now undertake minesweeping of North Corfu Channel. As soon as possible therefore in the light of your signal of 6th November regarding Remembrance Day you should proceed with this operation.

2. A note is being conveyed to the Albanian Government which states that the operation will be carried out starting on 12th November and makes the following points amongst others.

(a) the Central Mine Clearance Board is unanimous in stating that the interests of international navigation require the resweeping of the channel defined in Medri 18/32 and 18/34.

(b) the operation will be carried out on similar lines to the original clearance of 1944-45 and no ships will be stationed in Albanian territorial waters.

3. You should arrange for neutral observers, preferably from the Mediterranean Zone Board, to witness the operation with a view to avoiding any charges of duplicity if fresh mines are cut and unjustifiable charges of violation of Albanian sovereignty.

4. Signal immediately whether you are prepared to start this operation on 12th November. All developments should be reported to Admiralty.

5. Flag Officer, Liaison, Italy, should keep Mediterranean Zone Board informed.

6.

TO ADMIRALTY FROM COMMANDER-IN-CHIEF MEDITERRANEAN STATION
REPEATED FOR INFORMATION TO FLAG OFFICER, LIAISON, ITALY, AND
FLAG OFFICER COMMANDING FIRST CRUISER SQUADRON

Immediate.

9th November, 1946.

Last sentence of second paragraph of Admiralty message of 8th November, promulgating H.M. Government decision to proceed with minesweeping of North Corfu Channel, was received by me as *quote* no ships will be stationed in Albanian territorial waters *unquote*.

2. In view of fact that on day two of Operation Retail, the sweepers will have to be well inside Albanian territorial waters for the greater part of the day, request I may be informed of precise wording of relevant portion of note passed to Albanian Government.

3. First phase of operation will begin on 12th November if weather conditions satisfactory and will consist of a searching sweep for the supporting cruisers and destroyers of an area inside QBY 257 between Morlera I and Cape Kiephali, Albania.

4. Second phase will follow on next day when the actual Medri route will be cleared.

7.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN, FROM ADMIRALTY
REPEATED FOR INFORMATION TO FLAG OFFICER COMMANDING FIRST
CRUISER SQUADRON AND FLAG OFFICER, LIAISON, ITALY

Immediate.

9th November, 1946.

Your quotation of wording is correct and Albanian Government have received identical information. They have also been informed "that the area to be swept will be Medri 18/32 and 18/34 areas as defined in charts of the Central Board".

2. Operation of minesweepers in Albanian waters is fully covered by this but makes clear that minesweepers will not, for example, be anchored for the night in such waters which lie outside the limits of Medri 18/32 or 18/34.

3. Unless it is later found necessary to support minesweepers, operations inside Albanian waters should be limited to channels detailed above. In such an event report fact immediately and give brief reasons.

8.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN, FROM ADMIRALTY

Most immediate.

12th November, 1946.

My 111610. Carry out Retail as soon as French observer is present.

120215

Duty Capt. for 1st S.L.

9.

TO COMMANDER-IN-CHIEF, MEDITERRANEAN STATION, FROM FLAG OFFICER
COMMANDING FIRST CRUISER SQUADRON

REPEATED FOR INFORMATION TO ADMIRALTY AND SENIOR BRITISH NAVAL
OFFICER, GREECE

Most immediate.

12th November, 1946.

Operation Retail. Intend to execute first phase p.m. to-day 12th November.

2. French observer will be present.

20. AFFIDAVIT BY PROFESSOR J. E. HARRIS, PROFESSOR OF ZOOLOGY AT THE UNIVERSITY OF BRISTOL, CONCERNING THE STATE OF THE MINES SWEEPED IN THE CORFU CHANNEL ON NOVEMBER 13th, 1946

In the matter of the Corfu Channel case before the International Court of Justice.

I, John Edward Harris, Professor of Zoology at the University of Bristol, sometime Investigator on Fouling of Ships to the Corrosion Committee of the Iron and Steel Institute and British Iron & Steel Federation and until recently Chairman of the Marine Corrosion Subcommittee and Consultant on Fouling to the British Iron and Steel Research Association, make oath and say as follows:—

I have been consulted by the Admiralty about the condition of the mines swept in the North Corfu Channel on the 13th November, 1946, by the minesweepers of the Royal Navy.

I visited the Admiralty on the 26th October, 1948, and inspected the mine. I was informed that this mine had been swept in the North Corfu Channel by H.M.S. *Skipjack* at 11.24 on the 13th November, 1946, and that it had been kept since then in the open air at Malta. The surface of the mine was weathered and rusty, which is consistent with its having been exposed to the open air and with the employment of a rather inferior protective painting system.

The surface as seen on the 26th October, 1948, still showed intact areas of the original paint film, particularly in the crevices around the bases of the horns and on parts of the main casing. There is no trace of marine growth visible on any of these areas or on any other part of the surface in spite of the fact that crevices are peculiarly favourable sites for the settlement and growth of fouling organisms. Tests have shown that in such positions fouling can settle even over paint surfaces otherwise having excellent anti-fouling properties.

The fact that the surface of the mine is completely free from marine growth is clear and unequivocal evidence that it had been in the water for only a short period.

The period preceding the sweeping of the mine covers the most intense fouling season in Mediterranean waters, which occurs throughout the spring, summer and early autumn months. Throughout this time the settling organisms will include forms which are highly resistant to anti-fouling methods as well as those which are more susceptible.

There is no body of water of low salinity in this area to kill off or prevent fouling organisms from settling and the mines were sufficiently near to a rocky point to be exposed to an almost continuous settlement of organisms of different kinds.

The tidal currents in the neighbourhood are of low velocity and the depth of water—greater than 30 fathoms everywhere in the area mined—is such that no sand scouring of the metal surfaces of a contact mine could have taken place. This is also borne out by the perfect condition of the surface paint film and the presence of grease still adhering to parts of the mechanism plate, etc.

The paint film remaining on the surface shows that only a thin coating was employed. There is no anti-fouling paint which, at the

thickness employed on the mine examined, could provide absolutely complete protection against all fouling growths on irregular surfaces such as the mechanism plate for a period of more than 3-6 months.

It is my carefully considered opinion that, under the circumstances described above, the maximum period during which the mine could have been in its position was 9 months and it is highly probable that the actual period was less than this.

(Signed) JOHN E. HARRIS.

Sworn at Bristol,
in the County of Gloucester,
this twenty-seventh day of October,
nineteen hundred and forty-eight.

Before me :

(Signed) G.H.B. [Illegible.]

A Commissioner for Oaths.

21. AFFIDAVIT BY MR. N. I. HENDEY, OF THE ADMIRALTY
CENTRAL METALLURGICAL LABORATORY, EMSWORTH,
GIVING THE REASONS FOR THE ABSENCE OF FOULING ON
MINES IN THE BLACK SEA

I, Norman Ingram Hendey, of Admiralty Central Metallurgical Laboratory, Emsworth, in the County of Hants, marine biologist, make oath and say as follows :—

1. I am in the employ of the Admiralty as a marine biologist and have been so employed for the past three years and upwards. Including such period of employment I have had some twenty years experience as a microbiologist.

2. Having been asked by Military Branch, Admiralty, on the 13th day of October, 1948, to give an opinion as to the reason for absence of fouling on mines in the Black Sea, and as to whether such conditions would apply to mines found in the Corfu Channel, I say that, in view of my above-mentioned qualifications and experience, I am qualified to give an expert opinion thereon and I say as follows :

3. (a) Hydrographic conditions in the Black Sea are such as to render the area unsuitable as a habitat for marine life.

(b) Precipitation and run-off greatly exceed evaporation, and exchange of water with the Mediterranean through the Bosphorus is small (outflow from Black Sea 12,600 m³/sec., inflow 6,100 m³/sec. are the most probable values).

(c) These conditions result in a very marked lowering of salinity of Black Sea waters. Surface waters average about 16 parts per 1000 and bottom waters about 23 parts per 1000.

(d) Species of marine organisms capable of existing under these conditions of low salinity are much fewer than those inhabiting normal shallow waters such as the Corfu Channel.

(e) The difference in salinity between surface and bottom waters prevents much vertical mixing, with the result that at a depth of 100-200 metres the oxygen content of the waters falls to zero. Below this level only anaerobic bacteria exist and the waters contain sulphuretted hydrogen.

4. In support of my opinion I quote the following extract from Zobell "Marine Microbiology" (Chronica Botanica Co., Waltham, Mass. 1946) at p. 200:—

"The Black Sea:—Peculiar hydrographic conditions, coupled with microbiological activities, render nine-tenths of the Black Sea virtually uninhabitable by any form of life except bacteria. Since the influx of fresh water from precipitation and land drainage exceeds evaporation, the density of the surface waters (salinity about 16 ‰) is sufficiently less than that of bottom water (salinity up to 23 ‰) so that there is little vertical mixing. As a result, the oxygen content of the water below the photo-synthetic zone is renewed only very slowly."

5. In my opinion the above extract accurately sets out reasons for the absence of fouling in the Black Sea and I say that the "photo-synthetic zone" mentioned therein extends to eighty metres depth in clear oceanic waters but that in coastal waters such zone may be restricted to about half, or less than half, that depth, depending upon the degree of turbidity.

6. It therefore follows that (a) the growth of fouling organisms in the Black Sea is restricted in shallow waters by the low salinity or (b) in deeper waters fouling is limited by the very low oxygen content or restricted by the absence of oxygen to all but anaerobic bacteria.

(Signed) N. INGRAM HENDEY.

Sworn at Havant,
in the County of Hants,
this 25th day of October,
nineteen hundred and forty-eight.

Before me:

(Signed) D. V. WADESON,
A Commissioner for Oaths.

22. AFFIDAVIT BY COMMANDER MOLONEY, CERTIFYING THAT NO DUMPS OF GERMAN MINES HAD BEEN LEFT IN GREECE

In the matter of the Corfu Channel case before the International Court of Justice.

I, William Hugh Moloney, D.S.C., Commander in the Royal Navy, make oath and say as follows:—

1. I was appointed to H.M.S. *Nile* as Commander Minesweeping, Greece, on the 22nd February, 1945. The Allies had advanced into Greece in October, 1944, and taken over control of the Ægean Sea.

2. I took up my headquarters in the Piraeus and my duties included operating the British minesweeping force and training the Greek minesweepers. I was responsible to the Flag Officer, Levant and Eastern Mediterranean, for all matters connected with mines and minesweeping and one of my first duties was to locate German minefields and investigate whether any stocks of mines had been left in Greece. There were no dumps of German mines of any type left in Greece. The concentration of mine fields in the approaches to the major ports showed that before the Germans pulled out of Greece they used every mine available in an endeavour to check the Allied advance.

(Signed) W. H. MOLONEY.

Sworn at the City and County of Bristol,
this 29th day of October,
nineteen hundred and forty-eight.

Before me :

(Signed) GEORGE A. D. MONTAGUE,
A Commissioner for Oaths.

B.—AFTER THE OPENING OF THE HEARINGS

23. PHOTOGRAPH OF PANIKOVAC COVE

[See special volume.]

24. TELEGRAMS FROM THE BRITISH ADMIRALTY RELATING
TO THE "MLJET" AND "MELJINE"

I

Cypher O.T.P.

From : Foreign Office. To : The Hague.

Despatched : 6.21 p.m. GMT 9/11/48. Rec'd : 6.45 p.m. 9/11/48.

No. 1223 of 9th November, 1948.

Immediate

Secret

Following from Admiralty telegram No. T.O.O. 0913,257.

Begins

Following for Dodds, The Hague.

Your telegram 397 to Foreign Office.

Commander-in-Chief, Mediterranean, reports : "Few records prior to 1945 available. Evidence shows that both minesweepers in Malta [gp. undec. ? June] 1945. Investigations proceeding. Further signal will be made."

2. Italian Ministry of Marine records, copy of which is held by Admiralty, showed both ships in Italian hands from May 3rd, 1941, to September 9th, 1943. Consigned to Malta to British authorities December 17th, repeat December 17th, 1943.

3. Admiralty record ships handed to Yugoslavia at some date between April 21st, 1945, and April, 1946.

4. Intend to make further signal when C.-in-C. Mediterranean reports again.

SECRETARY OF STATE FOR FOREIGN AFFAIRS.

II

Cypher O.T.P.

From: Foreign Office. To: The Hague.

Despatched: 8.15 a.m. GMT 9/11/48. Rec'd: 9 a.m. 9/11/48.

No. 1225 of 9th November, 1948.

Immediate

Secret

Following from Admiralty for Dodds telegram 091741Z.

Begins

Admiralty message 091325 Z/Nov. Commander-in-Chief, Mediterranean, now reports: "AMO 81839A and further to my 0082,230A. Further search reveals that both these ships arrived Malta from Taranto ex-Levant November 11th, 1943. Commander Saksida, R.Y.N., inspected them at Malta in January, 1944.

"2. The ships remained at Malta in view of Yugoslav Government's refusal to allow R.Y.N. ships to [gp. undec? transfer to] Tito. Agreement reached in July 1945 that the ships should be sailed to Sibenik. Ships accordingly left Malta in August for Bari for onward routing."

SECRETARY OF STATE FOR FOREIGN AFFAIRS.

25. TELEGRAMS FROM THE AIR MINISTRY, UNITED KINGDOM, CONCERNING WEATHER CONDITIONS AND THE ANGLE OF THE SUN AT SIBENIK ON OCTOBER 16th, 17th AND 18th, 1946

I

Cypher O.T.P.

From: Foreign Office. To: The Hague.

Despatched 8.18 p.m. GMT 8/11/48. Rec'd 9 p.m. 8/11/48.

No. 1219 of 8th November 1948.

Most immediate

Secret

Following from Air Ministry telegram No. M.E.T.X. 5948, November 8th.

Begins

For Sir P. Nichols.

Reference your signal of November 8th requesting information for Sir Hartley Shawcross.

Weather at Sebenico, Yugoslavia, on October 16th, October 17th and October 18th, 1946—16th, little low cloud and variable amount of high cloud during day, clear at night, no rain. Good visibility light wind at first increasing to strong north-east during the day. 17th, cloudless, excellent visibility, fresh north-east at first falling light during day. Calm at night. 18th, no low cloud and high or medium cloud only in small amounts. Clear at night. Very good visibility. Light variable winds. No reports of measured sunshine, but sunshine on 17th was probably the maximum possible amount, somewhat less on 18th, and less on 16th, but still substantial amounts.

Information about angle of sun follows.

Time of origin 081700.

Ends.

SECRETARY OF STATE FOR FOREIGN AFFAIRS.

II

Cypher O.T.P.

From: Foreign Office. To: The Hague.

Despatched 11 p.m. G.M.T. 8/11/48. Rec'd 12.5 a.m. 9/11/48.

No. 1221 of 8th November, 1948.

*Most immediate**Secret*

Following for Air Attaché from Air Ministry, London, telegram METX 5957 of November 8th.

Begins

For Sir P. Nichols.

Reference your signal November 8th requesting information for Sir Hartley Shawcross.

Azimuth of sun from North on October 17th was 233 degrees at 1515 hours and 244 degrees at 1615 hours. Sun's elevation above the horizon on the same date was 21 degrees at 1515 hours and 11 degrees at 1615 hours¹. The values on neighbouring days were substantially the same.

All times are local not repeat not Greenwich mean time.

T.O.O. 081900Z.

SECRETARY OF STATE FOR FOREIGN AFFAIRS.

¹ Times have to be corrected to conform with summer time which was in force during October in Yugoslavia by adding one hour, i.e. for "1515" read "1615" and for "1615" read "1715". [Note by the Agent of the British Government.]

26. "JANE'S FIGHTING SHIPS 1946-1947"

[Not reproduced.]

27. PHOTOGRAPHS OF MINES FOUND DURING
THE SWEEP ON NOVEMBER 13th, 1946

NOTE: These photographs had been submitted to the Security Council in 1947 and were marked VI (b) and VI (c).

[See special volume.]

28. TREATY OF FRIENDSHIP AND MUTUAL ASSISTANCE
BETWEEN YUGOSLAVIA AND ALBANIA
(JULY 9th, 1946¹)

[See United Nations Treaty Series, Vol. I (1946-1947), p. 81.]

29. ECONOMIC AGREEMENT BETWEEN YUGOSLAVIA
AND ALBANIA (NOVEMBER 27th, 1946¹)*Article 1*

Both High Contracting Parties bind themselves to harmonize the economic plans of both countries on a mutual basis. For the realization of this aim co-ordinational organs (bodies) shall be formed. The co-ordinational organ (body) for the harmonization of the economic plans of both countries will be formed before the 15th December, 1946.

Article 2

Within three months from the day of signing of this Agreement the Government of the People's Republic of Albania shall equalize in value its currency unit, the Albanian lek, with the Yugoslav dinar.

The Government of F.P.R.Y. binds itself to extend to the Government of the People's Republic of Albania, by means of import into the People's Republic of Albania, goods and material intended for economic rehabilitation in a manner and to an extent which shall be provided for by economic plans (harmonized) in conformance with Article 1, all the indispensable aid for the realization of the Albanian economic plan, and also to ensure the movement of goods (traffic in goods or trade in goods) indispensable to the maintenance of the Albanian lek on a parity with the Yugoslav dinar.

Currency circulation in the People's Republic of Albania shall be equal (proportional) to the currency circulation in F.P.R.Y. having

¹ The date did not appear on the copy filed.

regard for the numerical position of the population and economic power of both countries.

Until such time as the monetary reform provided for in Article 2, Clause 1, of this Agreement is carried into effect, the Government of the People's Republic of Albania shall introduce on its territory the price system and the prices which exist on the territory of F.P.R.Y.

Article 3

The Government of F.P.R.Y. and the Government of the People's Republic of Albania bind themselves to abolish within one month from the day of the signing of this Agreement the customs frontier and customs duties between both countries, thus creating a single customs territory.

The system and the customs tariffs in force on the single customs territory shall be those which apply (are in force) in F.P.R.Y. Goods shall be passed through customs by the competent organs of the High Contracting Party through whose frontier they are imported, and the sums collected shall belong to that High Contracting Party for whom the goods are intended.

In order that the efficacious application of the provisions of the preceding clause shall be ensured, an Albano-Yugoslav Mixed Customs Commission shall be formed on the territory of the People's Republic of Albania.

Article 4

This Agreement shall run for thirty years from the day of signature. It shall be automatically prolonged for a period of ten years, except in the event of revocation.

Revocation must be notified in writing at least one year before the expiry of each period foreseen in the preceding clause.

Article 5

This Agreement comes into force from the day of signature, and the exchange of ratification instruments shall be carried out in Belgrade, at the latest, one month from the day of signature.

30. "MARINKALENDER 1947"

[*Not reproduced.*]

31. "SCHOOL AND COLLEGE ATLAS"

(LONDON: G. W. BACON & CO.)

[*Not reproduced.*]

32. "LEOPOLD'S WERELDATLAS"

(THE HAGUE : H. P. LEOPOLD)

[*Not reproduced.*]

33. "SERIAL MAP SERVICE ATLAS"

(LONDON, 1947)

[*Not reproduced.*]

34. "THE CITIZEN'S ATLAS OF THE WORLD"

(EDINBURGH & LONDON, 1944)

[*Not reproduced.*]

35. ROUGH COPY OF LOG OF THE "MAURITIUS"

[*See special volume.*]

36. DOCUMENT SHOWING THE DIFFERENCES BETWEEN THE ENTRIES IN THE LOG-BOOK (FAIR COPY) AND THE ROUGH LOG OF THE "MAURITIUS"

<i>Rough log</i>	<i>Fair log</i>
1337—a/c. 000°	1337—General Quarters, assumed D.C. State I.
1342—Fix. etc.	1342—Fix. etc.
1345—Hands to General Quarters, assumed D.C. State I.	— No entry.
1410—a/c. 026°	1410—a/c 026°
1430—a/c. 014°	1430—a/c 019°
1445—a/c. 310°	1445—a/c 310°
1636—Cape Drasti 219° Cape Kiephali 123°	— No entry.
1650—ship stopped	1650—ship stopped, courses and speeds various to maintain approximate position
1713—ship stopped approximate position 39°55' N 19°54' E Courses and speeds various to maintain position.	39°55' N 19°54' E

37. THREE FRAGMENTS OF THE MINE
WHICH STRUCK "VOLAGE"

38. EXTRACT FROM REPORT DATED MAY 29th, 1946,
FROM REAR-ADMIRAL KINAHAN, ADDRESSED TO THE
COMMANDER-IN-CHIEF OF THE MEDITERRANEAN

REPORTING THE PROCEEDINGS OF THE SQUADRON UNDER HIS COMMAND
FOR THE PERIOD APRIL 29th TO MAY 25th, 1946 (PARAGRAPH 23, RELATING
TO THE PASSAGE OF THE SQUADRON THROUGH THE CORFU CHANNEL ON
MAY 15th, 1946)

Paragraph 23

At 0825 on 15th May as I was approaching Corfu by the northern channel, and following Medri route 18/34, H.M. Ships *Orion* and *Superb* were fired on without warning from the vicinity of Porto Edda, Albania (Chart 206). The splashes were unmistakably those of H.E. shell of about 4-inch calibre. From 12 to 20 rounds were fired, the firing lasting until 0837, and judging from the number of shorts towards the end, it ceased only when the ships were out of range. Though there were a number of overs as well as shorts, the ships were not hit. Three minutes before the first round a turn of about 100° to starboard had been started, to follow the Medri route; this brought the ships' stern on to Port Edda and a considerable increase in speed was the most appropriate action to take owing to the proximity of minefields. No gun flashes could be seen. An immediate report to you and to the Admiralty was made in my message 150904 May. Subsequent enquiries and action have been dealt with by signal but a summarized report will be forwarded, for record purposes. The incident was witnessed by the Greek H.D.M.L. Karya, which had come out from Corfu to meet me. It was also seen from the Greek military posts at the northern end of Corfu and was already widely known when I reached the anchorage.

39. "WARSHIPS OF THE WORLD"

(VICTORY EDITION, U.S.A.)

[*Not reproduced.*]

40. TWO SKETCHES MADE BY LIEUTENANT-COMMANDER
KOVACIC AT THE HEARING ON NOVEMBER 24th, 1948,
MORNING¹, SHOWING ONE OF THE YUGOSLAV SHIPS WITH
THE RAILS AND MINELAYING MECHANISM

[*See special volume.*]

¹ See Vol. III, pp. 531 and 532.

41. PHOTOGRAPH OF PANIKOVAC COVE ON WHICH
LIEUTENANT-COMMANDER KOVACIC DREW AN ARROW
SHOWING THE ENTRANCE TO THE TUNNEL USED AS
A MINE STORE

(HEARING OF NOVEMBER 24th, 1948, MORNING¹)

[See special volume.]

42. TWO PLANS OF THE REGION OF SIBENIK ON WHICH
LIEUTENANT-COMMANDER KOVACIC HAD MARKED:

- (a) THE COURSE FOLLOWED IN THE LAUNCH AND THE PLACE FROM WHICH
HE COULD RECOGNIZE THE MINES ;
- (b) THE JETTY FROM WHICH THE PHOTOGRAPH OF PANIKOVAC COVE WAS
PROBABLY TAKEN.

(HEARING OF NOVEMBER 24th, 1948, MORNING²)

[See special volume.]

43. REPORT OF THE 153rd MINESWEEPING FLOTILLA
(OCTOBER 8th, 1944) ON THE SWEEPING OF THE KORCULA
AND SCEDRO CHANNELS

ENCLOSURE NO. 3 TO MEDITERRANEAN LETTER
DATED 21st NOVEMBER, 1944

Subject: 153rd M/S FLOTILLA—MINESWEEPING REPORT

From: The Captain M/S Mediterranean.

Date: 7th November, 1944.

No: 5225/7/7

To: The Commander-in-Chief, Mediterranean.

The enclosed minesweeping report from the senior officer, 153rd M/S Flotilla, with tracing and accompanying correspondence, is forwarded.

2. It is regretted that H.M. B.Y.M.S. 2077 has since been sunk by mine, resulting in the death of Lieutenant-Commander Call.

(Signed) [Illegible],
Commander,
for Captain
(Absent on sick leave).

¹ See Vol. III, p. 533.

² " " " " pp. 530 and 533.

From : The Senior Naval Officer, Vis.

Date : 9th October, 1944.

No. 283/02.

To : The Flag Officer, Taranto and Adriatic.

(Copy to : Commander, Minesweeping, Adriatic.

Senior Officer, 153 Minesweeping Flotilla.)

Subject : MINESWEEPING REPORT.

A copy of a minesweeping report received from the senior officer, 153 Minesweeping Flotilla, is forwarded herewith, for onward transmission to Admiralty.

2. The object of the operations, was to clear the channels between the Dalmation Islands for possible future operations and for the eventual passage of relief ships to Yugoslav ports.

The mines swept were in all cases from old pre-war Yugoslav defensive minefields. Not one mine exploded when sunk by gunfire from the M.Ls, and from their condition it is doubtful whether in fact any of the mines were still active.

3. The clearance of this large number of mines, carried out by a unit which for the greater part of the time consisted only of two ships, reflects very creditably upon the senior officer, Lieut.-Commander F. J. Call, R.N.R. The completion of the operation in nine days involved very hard work by all personnel concerned, particularly as no separate dan-laying craft were available, and the sweepers had to recover their own dans on completion of each days sweeping.

4. In general I was particularly favourably impressed with the efficiency of the craft which carried out this operation : Their mine-sweeping was excellent, their W/T communications and coding were exemplary, and the hard working enthusiasm of all personnel was very commendable indeed. During their short stay in Vis the various craft swept a total of 156 mines.

(Signed) MORGAN GILES,
Lieut.-Commander, R.N.,
Senior naval officer, Vis.

From : Senior Officer, 153rd M/S Flotilla.

Date : 8th October, 1944.

To : S.N.O., Vis.

Subject : MINESWEEPING REPORT IN ACCORDANCE WITH CHAPTER X,
PARA. 1005, OF C.B. 0403I.

The following information is required by you to enable you to forward report to Admiralty and Local Minesweeping Authority in accordance with paras. 1001 and 1003(2) of C.B. 0403I :

(1) *Name of channel being cleared.*

Korcula and Scedro Channels between latitudes $42^{\circ}58'30''N$ and $43^{\circ}07'30''N$ and longitudes $16^{\circ}39'30''E$ and $16^{\circ}45'30''E$. Admiralty Chart 2712 Adriatic.

- (2) *Sweeping formation and speed over ground made good.*
G formation, 8 knots. See remarks for check sweep.
- (3) *Type of sweep used and spacing of cutters.*
Mark III^x armed with V cutter at end of sweep.
- (4) (b) *"O" Sweep. Depth of kite and otters. Amount of sweep wire.*
Kite 13 fathoms. Multiplane 4 fathoms. Sweep wire 250 fathoms.
On laps where double oropesa was used 21 fathoms kite wire veered.
- (5) *Percentage of channel swept.*
100 %.
- (6) *Names of sweepers employed.*
See diary of events.
- (7) *Strength and direction of tidal streams encountered.*
See remarks.
- (8) *Wind, sea, weather (Beaufort scale).*
See diary of events.
- (9) *Position of each mine swept up.*
As indicated on tracing and see remarks.
- (10) *Type of mines swept up.*
Moored mines, appearance above water cylindrical, with flat top and handle-shaped construction dispositioned centrally. Two prominent white pieces of material like porcelain terminals visible centrally. Five horns equally spaced and protruding horizontally from top of mine.
- (11) *Disposal of mines.*
Sunk by gun fire.
- (12) *Courses being steered when mines were swept up.*

Lap No.	Course	No. of mines
1	100	7
2	280	2
4	280	1
5	100	7
6	280	6
9	280	4
10	100	5
11	280	1
12	100	4
13	280	1 XXX
14	100	4
15	280	5
16	100	6
17	200	1
19	100	5
20	280	5
21	100	4
22	280	1

Lap No.	Course	No. of mines
23	280	3 (see remarks)
25	280	2
26	100	3
27	280	4
29	280	1
31	280	3
33	280	2
36	100	2
37	280	3
38	100	1
39	280	1
41	280	1
44	280	1 (see remarks)
51	090	5
52	270	5
53	090	2
55	090	1
56	270	2
57	090	4
58	270	3
59	100	3
60	280	3
70	180	1
74	180	2
75	000	1

(13) *Remarks.*

In Lap 23, 4 mines were actually swept, but 1 mine fouled BYMS 2009's sweep and in attempting to clear same, sweep parted and mine removed. Mine was reswept in Lap 44 by BYMS 2077 (see diagram).

Due to small number of vessels available, the check sweep was carried out sweeping double oropesa, G formation, albeit consort was stationed 100 yards outside of float.

Five laps were carried out in Scedro Channel with negative results.

Sixteen laps were carried out in Korcula Channel, 1 mine being cut in the fifth and tenth laps and two mines in the ninth lap. Two of these were obviously dragged in sweep and removed, being cut close to line of dans that were laid for clearance sweep.

Station keeping by consort left a lot to be desired and it may be due to this that the other two were not cut in clearance sweep.

The tidal streams encountered have varied from $\frac{1}{4}$ to 1 knot, the direction being ruled by the wind of the moment. Since this has been variable in strength and direction, a day-to-day assessment is not practicable.

(14) *Tracing.*

Attached.

(15) *Diary of events.*

28.9.44. Weather unfavourable for sweeping operations.

29.9.44. Wind variable from easterly, force 2, sea and swell 20. Weather cloudy. Sweepers—BYMS 2077 and 2009. H.D.M.L. 1163 for mine disposal. 5 laps, 17 mines.

30.9.44. Wind N.E., force 1. Sea calm. Weather cloudy. Visibility 8. Sweepers BYMS 2077 and 2009. H.D.M.L. 1163 for mine disposal. 8 laps, 21 mines.

1.10.44. Wind N.E. force 1. Sea calm. Weather fine. Visibility 8. Sweepers BYMS 2077 and 2009. H.D.M.L. 1163 for mine disposal, relieved at 1500 by H.D.M.L. 1241. 9 laps, 31 mines.

2.10.44. Wind variable, increasing to force 3 at 1800. Weather beginning cloudy, deteriorating with rain and squalls. Sea and swell 20. Sweepers BYMS 2077 and 2009. H.D.M.L. 1241 for mine disposal. 8 laps, 13 mines.

3.10.44. 0700—Weather unsuitable for sweeping.

1100—Weather moderating; arrived mine area to commence sweeping. Wind variable from North. Weather cloudy. Visibility 7. Sea and swell 30. Sweepers BYMS 2077 and 2009. H.D.M.L. 1241 for mine disposal. 7 laps, 10 mines.

4.10.44. Joined a.m. by BYMS 2187. Wind N.N.E., force 1. Weather fine, visibility 8. Sea and swell 00. 13 laps, 4 mines. Area south of SCEDRO Island cleared apart from check sweep. Sweepers BYMS 2077, 2009, 2187. H.D.M.L. 1241 for mine disposal.

5.10.44. Weather unsuitable for sweeping operations.

6.10.44. Wind variable, with velocity up to force 2. Weather cloudy. Visibility 7. Sea and swell 10. Sweepers BYMS 2077, 2009, 2187. H.D.M.L. 1241 for mine disposal. 10 laps, 28 mines. 2nd lap of day was considered unsatisfactory and was reswept on 4th lap with negative result.

7.10.44. Wind E.N.E., force 1. Weather cloudy. Visibility 7. Sea and swell 00. Sweepers BYMS 2077, 2009, 2187. H.D.M.L. 1241 for mine disposal. BYMS 2009 detailed to recover dans. BYMS 2077 and 2187 carried out check sweep of SCEDRO Channel. Check sweep completed with negative results. Commenced check sweep of KORCULA Channel, and after 7 laps BYMS 2187 reported defective engine. BYMS 2187 returned to VELA LUKA to investigate, sweeping being abandoned for day.

8.10.44. Wind E., force 1. Weather cloudy. Visibility 7, sea and swell 10. BYMS 2187 returned to KOMIZA with defective reduction gear. BYMS 2077 and 2009 completed check sweep, 4 mines being swept in KORCULA Channel (see remarks). Total mines for area—SCEDRO Channel 28, KORCULA Channel 100. Ships returned to KOMIZA.

(Signed) FREDK. JAS. CALL,
Act. Temp. Lt.-Comdr., R.N.R.,
S.O. 153rd M/S Flotilla.

Secret

MINESWEEPING REPORT

(Senior naval officer, Vis' letter No. 283/02 dated 9th October, 1944)

II

No. T.A. 836/46.

Commander-In-Chief,
Mediterranean Station.(through Captain M/S, Mediterranean,
copy to: Senior Naval Officer, Vis.)

Forwarded.

Taranto,
23rd October, 1944.*(Signed)* [Illegible],
For Rear-Admiral.*Annex 1*

LIST OF WITNESSES

(Enclosure to the commanding officer H.M.S. Volage's letter dated
23rd October, 1946.)*Officers*

Commander R. T. Paul, Royal Navy.	Commanding officer
Lieutenant W. D. S. Scott, Royal Navy.	First lieutenant
Lieutenant P. S. Hicks-Beach, Royal Navy.	Gunnery officer
A/Lieutenant (E) S. A. Nash, Royal Navy.	Engineer officer

Ratings

Petty Officer R. R. Hepple.	P/JX. 144460	Gunnery instructor
Petty Officer E. A. Thatcher.	P/JX. 154957	Torpedo instructor
Petty Officer Steward G. Mignace.	E/LX 23061	Wardroom petty officer steward.

Annex 2

TRACING SHOWING THE MINESWEEPING OPERATIONS.

[See special volume.]

44. FILE RELATING TO MINES LAID BY THE GERMANS

(GERMAN DOCUMENTS)

[See special volume.]

45. GERMAN FILES RELATING TO MINE STOCKS

[See special volume.]

46. ORIGINAL OF THE REPORT OF PROCEEDINGS OF THE "LEANDER" MADE BY CAPTAIN OTWAY RUTHVEN (OCTOBER 23rd, 1946)¹, WITH SIGNATURE CERTIFIED BY CAPTAIN SELBY

[See special volume.]

Annex

TRACING SHOWING COURSE FOLLOWED BY THE "LEANDER"
ON OCTOBER 22nd, 1946²

[See special volume.]

47. TYPEWRITTEN COPY OF THE REPORT OF THE "VOLAGE" MADE ON OCTOBER 23rd, 1946, BY COMMANDER PAUL³, WITH CERTIFICATE BY COMMANDER PAUL

[See special volume.]

48. ORIGINAL OF REPORT SENT BY REAR-ADMIRAL KINAHAN ON MAY 29th, 1946, TO COMMANDER-IN-CHIEF, MEDITERRANEAN, ON PROCEEDINGS OF HIS SQUADRON FROM APRIL 29th TO MAY 25th, 1946, WITH SIGNATURE CERTIFIED BY COMMANDER WHITFORD

[See special volume.]

49. SKETCH MADE BY LIEUTENANT-COMMANDER KOVACIC AT THE HEARING ON THE MORNING OF NOVEMBER 26th, 1948⁴, SHOWING THE POSITION OF "MLJET" AND "MELJINE" AS HE SAW THEM ON THE EVENING OF OCTOBER 17th OR 18th, 1946, ABOUT 18.30 HOURS

[See special volume.]

50. PLAN OF ENVIRONS OF SIBENIK, ON WHICH LIEUTENANT-COMMANDER KOVACIC MARKED THE SITE OF THE HOUSE FROM WHICH HE SAW THE "MLJET" AND THE "MELJINE" ON OCTOBER 17th OR 18th, 1946, ABOUT 18.30 HOURS (HEARING OF NOVEMBER 26th, 1948, MORNING⁴)

[See special volume.]

¹ A photocopy had already been filed, see No. 13, p. 51.

² This tracing replaces the track-chart made on December 25th, 1946, and filed as Annex 7 to the United Kingdom Memorial.

³ A photocopy had already been filed, see No. 11, p. 48.

⁴ See Vol. III, p. 621.

51. SKETCH MADE BY LIEUTENANT-COMMANDER KOVACIC AT THE HEARING IN THE AFTERNOON OF NOVEMBER 25th, 1948¹, SHOWING THE POSITION OF "MLJET" AND "MELJINE" IN RELATION TO THE MOUTH OF THE TUNNEL OF PANIKOVAC COVE, ON OCTOBER 17th OR 18th, 1946, ABOUT 16.30 HOURS.

[See special volume.]

52. TWO SKETCHES MADE BY LIEUTENANT-COMMANDER KOVACIC AT THE HEARING IN THE AFTERNOON OF NOVEMBER 26th, 1948², SHOWING THE MANŒUVRE MADE BY THE "MLJET" AND "MELJINE" TO FACILITATE THE LOADING OF THE MINES, AND THE POSITION OF THE TWO VESSELS DURING THE LOADING

[See special volume.]

53. SKETCH SHOWING A MINESWEEPER WITH ITS CABLE CUTTING THE MOORING OF A MINE, AND A MINE ALREADY SWEPT

(SKETCH MADE BY COMMANDER SWORDER AND SHOWN TO THE COURT AT THE HEARING ON THE MORNING OF NOVEMBER 22nd, 1948³)

[See special volume.]

54. DIAGRAM SHOWING SWEEPS OF MOORED MINES,
100 % SAFE

(MADE BY COMMANDER SWORDER AND SHOWN TO THE COURT AT THE HEARING ON THE MORNING OF NOVEMBER 22nd, 1948³)

[See special volume.]

55. PHOTOGRAPH SHOWING "MAURITIUS" AND "SAUMAREZ" AFTER THE EXPLOSION⁴

[See special volume.]

¹ See Vol. III, p. 584.

² " " " " pp. 663-664.

³ " " " " p. 439.

⁴ This photograph was submitted to the Security Council in 1947 and was numbered II (a), A. 4.

56. MAP OF SIBENIK, FROM U.S. ARMY (SCALE 1/50,000)

[See special volume.]

57. ADMIRALTY CHART No. 1581: APPROACH TO SIBENIK HARBOUR

[See special volume.]

58. AIR PHOTOGRAPH (No. 4025) OF SIBENIK AND PANIKOVAC COVE

[See special volume.]

59. PAGE OF AN ILLUSTRATED PAPER, SHOWING THE VIEW OVER THE SEA FROM A HOUSE SITUATED NEAR KERIC'S HOUSE

[See special volume.]

60. TRACING OF PLAN ON DIAGRAM OF PANIKOVAC COVE MADE BY YUGOSLAV HYDROGRAPHIC INSTITUTE, NOVEMBER 20th, 1948¹

[See special volume.]

61. TELEGRAM RECEIVED FROM ROME BY UNITED KINGDOM DELEGATION, CONCERNING WEATHER REPORTS PUBLISHED AT SIBENIK ON OCTOBER 17th AND 18th, 1946

Outward

Normal dist. 10
of 24th November, 1948

Rome
The Hague
2059 24.11.48

En clair

Immediate

Addressed to The Hague tel. No. 10 of 24th November, repeated immediate F.O. No. 1818 and Saving to Belgrade No. 70.

My telegram No. 9 [of November 23rd]: Corfu Mining Case.

¹ Original filed by Albania, see No. 15, p. 108.

The following meteorological bulletins were issued from Sibenik on the 17th and 18th October, 1946, for Zara Spalato and Lagosta :

17th October

At 13.00 hours Spalato wind NNW. force e cloud nil.
Lagosta and Zara no record.

At 19.00 hours Spalato calm cloud nil.
Zara calm cloud nil.
Lagosta wind NW. force 3 cloud nil.

18th October

At 13.00 hours Spalato no record.
Zara wind N. force 1 cloud 7/10 high.
Lagosta wind NNW. force 2 cloud 5/10ths.

At 19.00 hours Spalato wind NNW. force 2 cloud 1/10ths.
Zara and Lagosta no record.
F.O. please pass Saving to Belgrade as my tel. No. 70.

62. REPLY BY THE UNITED KINGDOM EXPERTS TO QUESTIONS PUT TO THE MIXED COMMITTEE OF EXPERTS BY JUDGE EČER ON NOVEMBER 30th, 1948:

- (1) WAS THE LIGHT SUFFICIENT AT 17.35 HOURS TO ENABLE LIEUTENANT-COMMANDER KOVACIC TO SEE THE VESSELS MOORED IN PANIKOVAC COVE ?
(2) IF THE LIGHT WAS SUFFICIENT, WOULD THE VIEW HAVE BEEN INTERRUPTED BY THE LIE OF LAND ?

A. In examining the first point raised in these questions, namely, was there sufficient light at 17.35 for Commander Kovacic to see the ships lying in Panikovac Cove, the naval experts of the United Kingdom Delegation have taken into consideration the following facts :

1. The sky was unclouded ;
2. The time—17.35—was only 24 minutes after sunset ;
3. The observer was looking across water from a height not less than 210 feet above sea level ;
4. It is well known from experience that objects over water can often be seen for a longer time after sunset than they can be seen over land.

The naval experts of the United Kingdom Delegation therefore consider that there was sufficient light at 17.35 on 17th October, 1946, for Commander Kovacic to have seen the ships in Panikovac Cove and to have distinguished sufficient detail to have established in his own mind that they were fully loaded with mines.

B. With regard to the second point raised in Judge Ečer's questions, namely, if there was sufficient light would Commander Kovacic's view have been obstructed by land, the naval experts of the United Kingdom Delegation state as follows : In order to determine whether or not land would have obstructed the view from Keric's house it is first necessary

to ascertain the position of the ships in Panikovac Cove and secondly to trace the line of sight between that position and the terrace of Keric's house.

I. (1) *The position of the ships in the cove :*

In order to ascertain this the following data in addition to Commander Kovacic's evidence has been used :

- (a) The Yugoslav plan of Panikovac Cove provided by the Albanian Delegation ;
- (b) The position of the three-fathom line obtained from Admiralty Chart No. 1581 ;
- (c) The position and extent of under-water obstructions in the head of the cove from the aerial photograph No. 4025 can be seen by magnifying glass (see note 1 on page 84) ;
- (d) A tracing prepared from the plan referred to in (a) above showing the position of the three-fathom line and the obstructions. Super-imposed on this tracing are the two ships, positioned as far in the cove as is considered reasonable for safety.

(2) *Some remarks on the data used :*

- (a) The Yugoslav plan of Panikovac Cove gives no information regarding the depths of water in the cove nor of any under-water obstructions therein ;
- (b) The aerial photograph No. 4025 is precise in its positioning of the obstructions. (See note 2 on page 84.)

(3) *Conclusion :*

Taking into account :—

- (a) the obstructions referred to in I (1) (c) above
- (b) the position of the three-fathom line referred to in I (1) (b) above
- (c) the probable gradient of the bottom of the sea inwards from the three-fathom (18 feet) line, giving two fathoms (12 feet) half way up the cove
- (d) information supplied by Commander Kovacic that the head of the cove and the western side were shallow and that the quay on the north-eastern side was a made-up quay, i.e. not water edge or sloping beach as might appear (see note 3 on page 84)
- (e) the information given in "Jane's Fighting Ships" that the M-class minelayers required over 13 feet of water to float

we consider that the M-class minelayers could certainly not have been berthed at the head of the cove and could only have been berthed in the outer half with safety from grounding.

We have, therefore, selected the positions of the ships shown on the tracing as the furthest inward positions in which these ships could have been berthed.

II. *The line of sight between the ships and the terrace at Keric's house :*

- (1) It is necessary to establish the contours on the point of land (marked "X" on the tracing submitted by the United Kingdom Delegation as Document No. 5) and for this purpose the Yugoslav plan of Panikovac Cove has been employed. It is also necessary to establish the height above the water of the mines when embarked in the minelayers.
- (2) The Yugoslav plan of Panikovac Cove shown on the lower half of the Document No. 1 submitted by the Albanian Government appears reasonably accurate except that it is observed that the contours on the point north-east of Panikovac Cove (marked "X" on the tracing referred to in (1) above) are obtained from only two spot heights and do not conform with the configuration of the point as seen in photographs Nos. II, III and V, submitted by the Albanian Government. The photographs show that this point "X" is low to the south-east and reaches the positions of the spot heights in a concave gradient. (See notes 4 and 5 on page 84.)
- (3) The deck of the M-class minelayers is estimated from the photograph in "Jane's Fighting Ships" to be six feet above the water and the top of the mines would therefore have been $11\frac{1}{2}$ feet above the water.
- (4) The line of sight from the terrace of Keric's house to the ships is in the direction of 214 degrees. We calculated that any land on point "X" higher than $11\frac{1}{2}$ feet would block the view of the top of the mines but nothing lower would. (Photograph V submitted by the Albanian Government shows this view.)
- (5) We have drawn on the tracing referred to in I (1) (d) above a line which shows where the view of the mines on deck becomes obstructed by the point. It can be seen from this line on the tracing that about 50 feet of the after portion of the ships is exposed to view and of the rest of the ships the funnels and super-structure were also probably visible.

C. *Conclusion :*I. *That these minelayers were fully loaded with mines would have been apparent from :*

- (a) a view of continuous rows of mines on deck ;
- (b) the cessation of activity with the derricks ;
- (c) the reberthing of the outside ship completely side by side with the inside ship as distinct from alongside but stern projecting to rear of stern of inner ship.

II. It is considered that all these points could have been observed from the terrace of Keric's house at 17.35. It is further considered that in fact the view may well have been more extensive than as indicated:

- (a) because the Yugoslav plan shows a convex gradient, whereas the Albanian photographs Nos. II, III and V show a concave gradient ;
- (b) because the positions of the ships that have been chosen are the furthest in that they are considered compatible with a responsible degree of safety.

NOTES

1. The under-water obstructions in the aerial photograph No. 4025 can be seen by using a magnifying glass. It will be observed that the obstructions are positioned so as to preclude the use of the quay on the south-western side of the cove.

2. In aerial photograph No. 4025 a ship is shown alongside the quay on the north-eastern side at the head of the cove. Examination by magnifying glass of the shadow cast by the ship in the photograph shows that this ship resembles a landing craft of a type which the Italians and Germans are known to have possessed. This type of ship requires only 4 to 6 feet of water in which to float. This ship cannot be an M-class minelayer.

3. Information has since been given by Commander Kovacic, not in his evidence, that the north-east side of the quay had been built up in order that ships might berth there. The built-up part of the quay is clearly shown on the Yugoslav plan of Panikovac Cove and is marked on the tracing, Document 5, submitted by the United Kingdom Delegation.

4. On the Yugoslav diagram, Kroki Uvale Panikovac, submitted as Document I by the Albanian Government, there are two sketches. In the first sketch in the top half of the document is shown in elevation the slope of land to the south-west of the cove, with trees on top of the slope, and a ship berthed on the south-western side of the cove. The angle of the sun is shown as 8 degrees. None of these facts are admitted by the naval experts to the United Kingdom Delegation, who maintain that the elevation of the land is doubtful, the height of the trees inaccurate, and the berthing of an M-class minelayer on the south-western side of the cove impossible. In the second sketch on the lower half of the document a plan of Panikovac Cove is shown and this is referred to in para. II (2) on page 83.

5. In stating conclusion (a) in para. C. I, above, we have assumed that the Yugoslav plan of Panikovac Cove is accurate as to contours but would refer to conclusion in para. C II (a).

(Signed) E. R. D. SWORDER,
Commander, R.N.V.R.,
Naval representative of the
United Kingdom Delegation.

63. LETTER FROM COMMANDER SWORDER TO REAR-ADMIRAL MOULLEC, FORWARDING A REVISION OF THE COMMON REPLY¹ TO QUESTION 5 OF THE QUESTIONNAIRE² BY THE AGENTS SUBMITTED ON NOVEMBER 26th, 1948, TO THE EXPERTS OF THE TWO PARTIES

Hotel Wittebrug,
The Hague,
8th December, 1948.

Dear Admiral Moulec,

In our joint letter forwarding agreed Questions and Answers submitted to the Court on 27th November, 1948, and filed as document number E. II/1/72, you will recall that we could not agree on the answer to Question 5. In fact, we each submitted separate answers as follows:

- (5) Two diagrams, in original only, Appendices "A" and "B" are submitted to show the time at which a shadow would have been cast on to a jetty where mines were being loaded.

Appendix "A" attached to the copy of the report submitted to the United Kingdom Delegation is based on Admiralty Chart 1581 and shows this time to have been 1631.

Appendix "B" attached to the copy of the report submitted to the Albanian Delegation was prepared by the Yugoslav Hydrographic Institute and shows that the shadow would have been cast when the sun had an altitude of about 8° which occurred at about 1620.

Both these times can only be considered approximate:

- (a) "1631" because Appendix "A" is based on incomplete and inexact data;
- (b) "1620" because we are unable to check Appendix "B" not having the data on which it was based.

In our joint letter submitted to the Court on the 6th December, we filed certain documents including a United States Army map of Sibenik and the Yugoslav document Kroki Uvale Panikovac. These two documents show the contours to the westward of Panikovac Cove, which detailed information was not available before. In the light of this fresh information it would appear necessary for the previous answer to Question 5 to be revised. I attach the revision which we suggest and I would be grateful if you could inform me whether you are prepared to agree it or whether you propose to submit an independent answer or to maintain the answer already filed.

If I do not hear from you to the contrary before 10 a.m. Thursday, December 9th, I shall assume that you maintain the answer which you have already filed and transmit a copy of this letter and its annex to the Agent of the United Kingdom, who may desire to forward it to the Registrar.

I remain, etc.

(Signed) E. R. D. SWORDER,
Commander, R.N.V.R.

¹ See No. 2, p. 124.

² " " I, p. 123.

Annex

REVISED REPLY BY COMMANDER SWORDER TO QUESTION 5 OF THE QUESTIONNAIRE SUBMITTED TO THE EXPERTS OF THE PARTIES

With reference to the answer to question No. 5, submitted by the naval experts of the United Kingdom Delegation in the agreed Questions and Answers and submitted to the Court on 27th November, 1948, in Document No. E.II/I/72, the United Kingdom Delegation wishes to revise its statement regarding the time of 16.31 when a shadow commenced to be cast over Panikovac Cove.

2. Information filed with the Court on 6th December by the Albanian Delegation and the United Kingdom Delegation included the Yugoslav Document No. E.II/I/77 and the U.S. Army map of Sibenik, Appendix I to Annex I to Document No. E.II/I/78. On these two documents are shown the contours of the land to the west of Panikovac Cove. This detailed information was not available before. The naval experts to the United Kingdom Delegation are now, therefore, able to put in a more definite answer.

3. The U.S. Army map of Sibenik shows that the hills to the westward of Panikovac Cove rise to a height of between 20 and 40 metres where they intercept the rays of the setting sun. By assuming the greatest possible height of 40 metres or 120 feet, it has been calculated that the shadow should commence to be cast over part of the cove where the ships were lying when the altitude of the sun reached an angle of $4\frac{1}{2}$ degrees. By inspection of the diagram, Appendix A to Document E.II/I/72 referred to in Para. I, it can be seen that this altitude occurs at 16.45. The United Kingdom naval experts, therefore, wish to state that in their opinion the shadow commenced to be cast at about 16.45, observing that the U.S. map is the most recent and accurate source of information.

4. The validity of the Yugoslav Document No. E.II/I/77 is not accepted by the United Kingdom naval experts, but nevertheless the problem has also been worked out on the assumption that this document is correct with the following exceptions:

- (a) The height of the trees has been taken as 4 metres as appearing from photographs to be a more probable height than that of 8 metres.
- (b) The distance of the ships which were on the east side has been taken as 90 metres from the quay on the west side of the cove as in Appendix 5 to Annex I to Document E.II/I/78 tracing, observing that the ships could not have been alongside the quay on the west side due to the obstructions shown on aerial photograph Appendix 3, Annex I to Document E.II/I/78, and that this position, 90 metres from the quay, is considered to have been the position of the ships for the reasons given in Document E.II/I/78.
- (c) For the purpose of this question it is important to know when the light of the sun last shone on the mines and we have taken the height of the tops of the mines, which, as explained in Documents E.II/I/78, was 3 metres.
The height of the tops of trees above the height of the tops of the mines was on the above date

$$15 + 4 - 3 \text{ metres} = 16 \text{ metres.}$$

The distance of the ships from the point of interception was
 $85 + 90 \text{ metres} = 175 \text{ metres.}$

The angle of the sun at which the shadow would have reached the tops of the mines is therefore such that its tangent is equal to

$$16 : 175 = 0.09$$

This angle is, therefore, $5\frac{1}{4}$ degrees, which, from an inspection of Diagram Appendix A to Document E.II/1/72, corresponded to the time 16.36.

5. In conclusion, the naval experts of the United Kingdom Delegation wish to state that, in their opinion, taking into account all the data available, the shadow could certainly not have been cast before about 16.36 and was more probably cast at about 16.45.

64. AFFIDAVIT BY M. ZIVAN PAVLOV (DECEMBER 10th, 1948), CERTIFYING THAT BETWEEN OCTOBER 23rd AND 26th, 1946, IN THE GULF OF KOTOR, HE SAW A YUGOSLAV MINELAYER OF THE "MELJINE" CLASS, MOVING TOWARDS THE FUEL REFILLING POINTS AT BOKA KOTORSKA ¹

[Translation.]

I, Zivan Pavlov, merchant seaman, make oath and say as follows:—

I was born on the 16th March, 1916. I served seven years in the Royal Yugoslav Navy, rising from a boy to a petty officer telegraphist. Between the autumn of 1940 and April 1941 I served on board the minelayer *astreb*. In April 1941 I was taken prisoner by the Germans and was held in Germany until 1945 in camp No. 20 near Greisffald in Pomonia. I was then liberated by the Russians and I returned to Yugoslavia in September 1945. I went to my father who is a farmer in Kikinda and stayed there helping him, until a year later, at Split, I joined the merchant service, my first ship being the s.s. *Timok*. On joining this ship I became a member of the Union of the Harbour Workers and Seamen of the People's Republic of Yugoslavia and I annex my membership card No. 830516, together with a French translation of this document.

I remained in the merchant service until 28th October last, that is, 28th October, 1948. I sailed from Fiume on 24th October in a cargo ship in which I was serving as chief wireless operator. We arrived in Trieste on the 25th for a stay of four days, and I went ashore on the night before the ship sailed and reported to the local police.

I left my ship at Trieste because I was out of sympathy with the regime in Yugoslavia and had decided not to return to my country. I was finally led to take this decision because I was warned that all non-party members would shortly be dismissed from the merchant service and sent to forced labour.

The first merchant ship in which I served was, as stated above, s.s. *Timok*. I joined this ship as radio operator at Split on Thursday, 17th October, 1946. I am certain of this date because it is stamped in my

¹ Original in Serbo-Croat language, not reproduced. Translation into English submitted with the original by the Agent of the United Kingdom Government.

membership card mentioned above. Three or four days later, that is on the 20th or 21st October, we sailed for Zelenika in the Gulf of Kotor where we arrived in the afternoon of Monday, 21st, or Tuesday, 22nd October. We moored alongside the quay at Zelenika and started to load bauxite.

Two or three days after we arrived at Zelenika on a day which was a working day and therefore before Sunday, 27th October, I observed a Yugoslav warship entering the Gulf of Kotor. Several of us were standing near the *Timok's* galley just before lunch-time, that is about 11.30, when the warship was seen near Kobila Point. There is no doubt that she was coming in directly from the sea. At first we could not recognize what sort of ship she was and began to discuss her. As the ship steamed eastward up the Gulf of Kotor she passed within about 1,000 metres of us, near enough for us to be able to see that the crew were naval ratings.

The visibility was good and we recognized the ship as a mining tender of the *Meljine* class. I knew this class of ship well because of my service with the Royal Yugoslav Navy before the war. As a pupil in the petty officers' school, I had in fact served on a ship of this class and had frequently visited the same ships later. I am quite positive that the ship which I saw on that day in the Gulf of Kotor was one of the *Meljine* class.

I do not remember noticing whether this mining tender had then any minelaying equipment, but I know that this class of ship was designed to be able to lay mines.

The mining tender was in sight for a considerable time and disappeared inland up the Kumbur Straits in the direction of Djenovic and Tivat, where the fueling points in Boka Kotorska lie.

Annex

TRANSLATION INTO FRENCH OF THE RELEVANT PORTIONS OF THE MEMBERSHIP CARD OF THE YUGOSLAV SEAMEN'S AND PORT-WORKERS' UNION, BEARING NAME OF ZIVAN PAVLOV ¹

Traduction en français des passages pertinents de la carte de membre de l'Union syndicale des marins et travailleurs des ports de la République populaire de Yougoslavie au nom de Zivan Pavlov.

Page 2

(Lieu d'estampe des branches de l'Union syndicale)

N° de l'Union syndicale : 16174

Nom et prénom : PAVLOV Zivan
 Profession : radio-télégraphiste
 Né l'année 1916 : Lieu de naissance : Velika Kikinda
 Inscrit. 17. X : 1946
 Lieu de l'inscription : S.S. *Timok*

[Signature personnelle.]

Le Secrétaire : [Nom illisible.]

Le Président : ZUVIC.

¹ Original in Serbo-Croat language, not reproduced. Translation into French of the relevant portions submitted, with the original, by the Agent of the United Kingdom Government.

L'Union syndicale :

[Sceau]

L'Union syndicale des marins et des employés des
travailleurs des ports et des chantiers de Yougoslavie

Le duplicata de la carte d'identité de membre se délivre par la décision
de la direction de l'Union syndicale.

Page 3

	Membre de l'Union	
Date	Le nom de la branche de l'Union syndicale	N° de l'Union syndicale
17. x. 46	L'union syndicale des marins et travailleurs des ports et des chantiers de la République populaire yougoslave	16174

This is the exhibit (French translation) referred to in
the affidavit of Zivan Pavlov sworn before me the tenth
day of December, 1948.

(Signed)

H. M. Consul General,
Rotterdam.

65. "INSTRUCTIONS FOR RENDERING SAFE UNDERWATER
WEAPONS—GERMAN BUOYANT MINES—1943"

[See special volume.]

66. AIR PHOTOGRAPH OF THE ENVIRONS OF SARANDA
SHOWING CERTAIN PATHS AND ROADS (1943)

[See special volume.]

67. MAP OF SARANDA DISTRICT (1/50,000 Albania sheet 26-IV
SARANDA)

[See special volume.]

68. AMENDMENTS SUBMITTED ON DECEMBER 17th, 1948, BY
THE UNITED KINGDOM NAVAL EXPERTS TO THE REPLIES
THEY HAD GIVEN TO QUESTIONS BY JUDGE EČER¹

REPORT ON POSITION OF SHIPS IN PANIKOVAC COVE REVISED IN THE
LIGHT OF THE DIMENSIONS OF THE "M"-CLASS MINELAYERS SUBMITTED TO
THE COURT BY ADMIRAL MOULLEC

We desire, in view of the new dimensions of the *Mljet* and *Meljine*, to
submit an amended report. Our previous report was based on the assump-

¹ See No. 62, p. 81.

tion that in view of the fact that the draught of these ships was 13 feet, it followed that they could not either of them have been right at the western end of the jetty, since the three-fathom line was, as shown on Admiralty Chart No. 1581, just outside the cove and we were informed by Commander Kovacic that the water in the cove became shallower towards its western end. In view of the fact that the ships' draught turns out to be 8 feet, it has been necessary to re-examine our conclusions. We accordingly, in submitting our revised report, have proceeded by the following steps:

(1) We accept that, if the contours shown on the Yugoslav plan (document No. E.II/I/77) are accurate, Commander Kovacic could not have seen the ships from the terrace at Sibenik if both ships were alongside one another at the extreme west end of the cove since the contours of the rising land at point X would interfere with his line of view.

(2) We cannot accept that these contours at point X are accurate because (a) they are at variance with the configuration of the land as shown in photographs 2, 3 and 5 submitted by the Albanian Government, in that the land is shown in these photographs as rising at only a gradual incline from the shoreline for a distance which we estimate at approximately 50 metres. (We have calculated this distance of 50 metres by endeavouring to pinpoint on the photographs the approximate position of the spot heights 13 and 14 metres as they appear to be shown by the configuration of the land on the photographs.) The distance between the shore and this point is shown on the Yugoslav plan (which for this purpose we have taken as accurate) as 120 metres and the photograph shows that the land begins to rise steeply at approximately just under half way between these two points, measuring from the shore. (b) Our estimate as in (a) above appears to be corroborated in general by the contours shown on the United States Army map of Sibenik (Appendix I to Annex I to Document E. II/I/78), and also by the shading on the low-lying coastland shown on the Italian map No. 558.

(3) If our estimate of the lie of the land as set out in (2) (a) and (b) above is accurate, namely that it rises at a gradual incline for some 50 metres from the coast and only thereafter begins to rise abruptly, the position would be as follows:

(a) If both ships were alongside one another at the extreme west end of the cove, neither would have been visible. As shown in paragraph (4) below, however, it would have been impossible for the ships to be in this position.

(b) Commander Kovacic in his third sketch (document E. II/I/68) in which he represented the position of the ships when he himself was on the terrace, drew the ships as moored one behind the other. On the assumption (which as we show in paragraph (4) below is unlikely) that the leading ship had its bows at the extreme west end of the cove, Commander Kovacic would have been able to see the mines on the upper deck of the second ship. It equally follows that (paragraph (4) below) we do not think the second ship could have been so far west as in this assumed position.

(4) We proceed to consider what was the probable position of the ships, and in doing so have taken into account the following factors:

- (a) As previously mentioned, there was a 3-fathom line shown on Admiralty Chart No. 1581 and Commander Kovacic informed us that the water became shallower towards the west end of the cove. It will be noted from the Yugoslav plan that the $2\frac{1}{2}$ -metre contour is very close to the west end of the cove and presumably before the quay was built the water would have been very shallow at that end. It is, of course, a matter of complete conjecture but we are disposed to infer that the coast formation here is rocky, as seems to be indicated by the photographs. In consequence, when the quays were built it would have been a matter of very considerable difficulty to deepen the water at the west end of the cove to any considerable depth. We do not know the precise purpose for which the quays were constructed but it may well have been for shallow draught barges (see photograph¹ of Panikovac Cove which does, incidentally, show such a barge at the quay). That this was the purpose for which the quays were constructed is the more probable if, as seems likely, Admiral Moullec was right in saying in his evidence that the tunnels were constructed for storage of artillery ammunition; it is the general practice to transport artillery ammunition in the usual ammunition barges. We are accordingly disposed to consider that the water at the extreme west end of the cove may be only a very few feet deep and in any event inadequate to accommodate a ship with 8 feet draught loaded with heavy mines.
- (b) Aerial photograph No. 4025, when studied with the aid of a magnifying glass, discloses that there are two obstructions which appear to be the wreckage of ships sunk alongside the south-west of the cove (this photograph, it will be noted, was taken in 1944 and we think it unlikely that this obstruction would have been removed by October 1946). The westernmost obstruction appears to lie across half the breadth of the cove so that not only is the available space thus restricted but anyone handling a vessel would be very apprehensive of fouling this obstruction if he approached anywhere near the west end of the cove.
- (c) As a matter of seamanship, two ships, which it was intended were to sail away in the dark, would normally (whatever their position had been when the mines were being loaded) be moored in a position in which it would be easy to manoeuvre out in the dark. This would not be near the west end of the cove where there was an obstruction but as far out as they could conveniently be left. (It may be remembered that Commander Kovacic stated that there was a built-up extension of the north-eastern quay in an easterly direction and this seems to be confirmed by the straight line in this position as shown on the Yugoslav plan. We have marked this built-up quay on our sketch No. 1 attached to this report.)
- (d) Commander Kovacic said in his evidence that he could in fact see that the ships were fully loaded from the terrace. If the ships

¹ Submitted by the United Kingdom Delegation on 10th November (see this volume, No. 23, p. 65) and referred to in paragraph 2 of the Registrar's letter of 11th November, 1948 (see this volume, p. 205).

were as shown in his sketch No. 3 (document E.II/I/68) moored one behind the other and the bows of the innermost ship were not less than $1\frac{1}{2}$ ship's lengths from the extreme west end of the cove. Commander Kovacic would be able to see the tops of the mines on both ships and the funnel and bridge of the second ship. As appears from what we have already said above, we think this may well be the approximate position that the ships occupied, and in any event there is nothing impossible about such a position. Taking into account Commander Kovacic's evidence of what he was able to see, we conclude that the ships were, when Commander Kovacic saw them from the terrace, moored one behind the other, the innermost ship being approximately $1\frac{1}{2}$ ship's lengths from the extreme west end of the cove. We refer to sketches Nos. 1 and 2 annexed to this report.

(5) In consequence, upon the assumption above made, we conclude that Commander Kovacic could, from the terrace, have seen what he described. We would add that even if the contours at point X were not as we have estimated them but were as portrayed in the diagram prepared by Admiral Moullec (Annex 1 to document No. E.II/I/88) Commander Kovacic would still, if the ships were in the positions we have assumed above, have been able to see the mines in the second ship.

(Signed) E. R. D. SWORDER,
Naval representative of United
Kingdom Delegation, Cmdr. R.N.V.R.

Annex 1

SKETCH NO. 1.—TRACING OF YUGOSLAV PLAN OF PANIKOVAC COVE SHOWING THE POSITION OF "M"-CLASS MINELAYERS IN PANIKOVAC COVE

[See special volume.]

Annex 2

SKETCH NO. 2.—SKETCH SHOWING THAT THE LAND ON POINT X DID NOT BLOCK THE LINE OF SIGHT BETWEEN KERIC'S HOUSE IN SIBENIK AND THE TWO "M"-CLASS MINELAYERS BERTHED IN PANIKOVAC COVE

[See special volume.]

69. PHOTOGRAPHS OF H.M.S. "MAURITIUS" Nos. A 1, A 2, A 3 AND A 4¹

[See special volume.]

¹ Photographs badly reproduced in Supplement 6 to Minutes of the Security Council.

70. OBSERVATIONS OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE REPORTS OF THE NAVAL EXPERTS DATED 8th FEBRUARY AND 12th FEBRUARY, 1949

A. *Report of the 8th February.*

(References are to the points of investigation referred to in the report.)

I (a) No observation.

I (b) Though the point does not appear to be of any practical importance in view of the conclusions reached in other portions of the report, it appears to be the case that ships could be moored against the foreshore adjoining the north-eastern quay even if there was no extension of the quay. Oil patches on the stones at this point suggest that such moorings had frequently taken place.

I (c) It will be seen (Annex 1 of the report) that the depth at the head of the cove is between 1 and 1.5 metres and therefore too shallow to take a vessel of the M. class drawing 2.4 metres. The bows of an M.-class vessel would have to be at least one third of the length of the cove away from the head if she were not to go aground.

I (d) It is noted that this finding relates to the date of inspection (24th January, 1949) and is not necessarily applicable to the period of October 1946. Nothing was seen which could account for the apparent obstructions shown on the aerial photograph No. 4025 of 1944 accompanying the joint letter submitted to the Court by the Parties' experts on 6th December, 1948, and the inference is that what was shown on the photograph has since been removed.

I (e) It is observed that account has not been taken of the difference in the sun's azimuth on the two dates 24th January and 19th (or 17th) October.

The attached chart shows the azimuth on the 24th January and 17th October respectively. It will be seen that the sun declines 14° further to the westward on the 17th October, 1946, than on the 24th January, 1949, at approximately the same time before sunset. The configuration of the land west of Panikovac Cove is such that whereas a shadow may be cast at a certain time over a ship lying in the cove on 24th January it would not do so on 17th October.

The attached photograph, which was taken at approximately 1½ hours before sunset on 24th January, is also of interest in this connexion. It shows the sun shining on Lieutenant-Colonel Ivekovic's leather coat and its buttons. On the left of the photograph may be seen trees and the slope of a hill behind a white building. A line from where the members of the Court's Mission are standing over the corner of the building would point approximately in the direction of the sun at 16.45 on the 17th October when the azimuth of the sun was agreed to be 253½ degrees. (See the agreed answers of the Parties' experts: E.II/I/72 dated 27th November, 1948.) It is noted that the configuration of the hill is gradual and the trees thinly planted.

Taking into consideration the difference in azimuth and the slope of the hill, as illustrated in the photograph, the conclusion is maintained that a ship moored on the north-east of the cove would certainly have been in the sun 55 minutes before sunset on 17th October, 1946.

I (f) It is noted that no complete examination of the tunnels, or of the material stored therein, was carried out. The experts found no rails laid outside the tunnels at all, and the references in the report I (f) to laid rails are to rails laid inside the tunnels which were not entirely covered by sheet iron. As shown in Annex 1 there was also a pile of rails stacked, which would be put down when required for use, and could be laid down, either on the south-west or the north-east side of the cove, there being an ample number for this purpose.

Conclusions :

(i) The point is only of minor importance as to the accuracy of Commander Kovacic's recollection on points of exact detail, and does not affect the essential features of his evidence, but it is submitted that it is not established that an M.-class minelayer could have been moored along the south-western quay on the 17th October, 1946. The absence, at that date in October 1946, of the obstructions, shown in the air photograph No. 4025 of 1944 accompanying the joint letter submitted to the Court by the experts of the Parties on 6th December, 1948, is not proved. An M.-class minelayer could not have been moored at the head of the north-eastern quay as the water is too shallow (see observation on I (c) above). It would have been possible, on the other hand, for two minelayers to be moored off the north-eastern quay, one alongside the cove but some distance from its head, the other with its stern overlapping the stern of the first minelayer and lying close to the end of the quay as Commander Kovacic has described.

(ii) This conclusion, it is submitted, is not established. Taking into account the true azimuth of the sun on the 17th October, a ship lying at the north-eastern quay in the cove would have been in the sun at 16.15 hours and the paint on the mines would have been seen. (*Vide* comments on I (e) above). In any case Commander Kovacic's times are only approximate and the time may have been a few minutes earlier than he thought.

(iii) In connexion with the experts' statement that the oval mines would have had to be brought out and deposited on the quay while G.Y. mines were being loaded, it is pointed out that Commander Kovacic stated that he saw oval mines on the quay. (Record, Hearing of the Witnesses and Experts, page 449¹.)

I (g) Although account has not been taken of the difference of the sun's azimuth (see I (a) above) the observations are accepted except that it is not agreed (for the reasons already stated) that the ships would have been in the shade and, consequently, that it would have been impossible to see (e) that the mines were newly painted, or (f) horns or rails. On the contrary it is submitted that both of these would have been seen because the ships would have been in the sun (see I (e) above). The

¹ See Vol. III, p. 651.

photograph referred to in I (e) above shows how the buttons on Lieutenant-Colonel Ivekovic's coat stand out and are apparently magnified by the sun.

I (h) It is noted that if, as Commander Kovacic says, the launch called at Kulina Point, the possibility of observation would have been as described in I (g).

I (i) (a) It was observed by the United Kingdom expert that the derrick and mast were constructed of steel and so could, without difficulty, load 1-ton mines.

I (j) and (k) It is noted that the Report does not state by what means the house visited by the experts was identified as Keric's house.

Conclusions :

(A) No observation.

(B) (1) No observation except as under I (g) above.

(2) No observation except under I (j) and (k) above.

The way in which the ships were moored, and the existence of wrecks or obstructions alongside the south-western quay, are of importance merely as confirming the accuracy of Commander Kovacic's recollection on points of small detail as to the manner in which the ships were loaded. His accuracy on these minor points is not in fact invalidated by any finding in the report.

(C) It is not agreed that the evidence of Commander Kovacic is fairly stated. He stated that "the ships were in a different position towards the jetties from that in which they were at the time when I passed nearby in the motor launch" (Record, page 419, see also page 476¹). No doubt the ships had in fact moved slightly out of the cove at the time when Commander Kovacic saw them from Keric's house, and this is in accordance with the conclusions of the experts.

II (a) No observation.

II (b) The United Kingdom expert reports that he observed three beds in the tower inside the monastery, below the look-out, indicating clearly that watch was kept by night from the tower by one of the soldiers occupying the beds.

II (c) and (e) The United Kingdom expert reports that the house on Denta Point was, when seen by Commodore Forshell, actually occupied by three men; that the beach below Denta Point referred to in the report was well adapted for landing, and the well-worn mule tracks referred to in the report show that in fact it had been much used.

II (d) It is desired to invite particular attention to the fact that these observations were made from the observation post below the monastery, and not from the look-out post in the tower, which the Naval Experts (II (b)) stated would be used to observe sea traffic close to the monastery. Had this look-out post been used it cannot be doubted that the ship would have been even more clearly seen.

II (f) The United Kingdom expert reports that the house on Cape Kiephali was admitted to be a look-out post by the Albanian authorities,

¹ See Vol. III, pp. 621 and 678.

and that this house was 489 feet above sea level and only 300 yards from the shore.

II (g) No observation.

II (h) No observation.

General: The conclusion of the Naval experts that Barchetta Rock was used as a *datum dan* for tabulating all positions is correct.

Conclusions:

The Government of the United Kingdom accepts, and draws attention to, the conclusion of the experts under D (p. 14):

"If the minelaying were done from the south (which is most feasible, as the ships would not have to cross their own minefields if returning to the north), the minelayers would have been observed from Cape Kiephali, Denta Point and San Giorgio Monastery. It must be borne in mind that in this case the ships would have passed the above-mentioned points twice. *The experts consider it to be indisputable that if a normal look-out were kept at Cape Kiephali, Denta Point, and San Giorgio Monastery, and if the look-outs were equipped with binoculars as has been stated, under normal weather conditions for this area, the minelaying operations shown in Annex IX to the United Kingdom Memorial must have been noticed by these coastguards.*"

It is submitted as clearly established that in fact a look-out was kept on Denta Point, and that the observation post at the San Giorgio Monastery was in the tower, thus giving an even better view than was available to the experts. This conclusion, in the submission of the Government of the United Kingdom, leaves no room for doubt that the case originally put forward by the Government of the United Kingdom, in the Security Council and in its Memorial, is correct, namely that it would have been impossible for this operation of laying the mines in question to have been carried out without the knowledge and complicity of Albania. It is, further, quite inconceivable that anybody would have undertaken the risk of detection, and therefore no one would have attempted to lay this minefield without the knowledge of the Albanian Government.

The conduct of the Albanian authorities during the course of the examination of this locality by the Court's experts provides additional confirmation, if this is required, of Albanian complicity. In the first place every effort was made to prevent the discovery of the post on Denta Point. Commander Sworder reports that Captain Polena first said that there were no buildings on Denta Point, and then, when the experts insisted on trying to find the buildings which they had observed from the sea, Captain Polena led them to the wrong hill. Further efforts were made to prevent the discovery of the post in the tower of the San Giorgio Monastery. The experts' report, page 9, indicates this. The door, in fact, was forced open by Lieutenant-Commander Elfferich. Further, with reference to page 10 of the report, it is to be noted that Commander Sworder reports that the Albanian authorities refused to allow the look-out party under Commodore Forshell to make observations from the tower of the monastery. The reports of Commander Sworder on these points can be verified by the Court by reference to the experts themselves.

B. The Report of the 12th February.

As to the Reply of the experts to Question 7 addressed to them by Judge Krylov.

There appears to be some error, presumably a typing error, in the English text on page 6. The comparison of operations I and III reads as follows.

“Operation I

(a) *Minelaying from the north :*

1. operation might not be seen by the look-out at San Giorgio Monastery.
2. minelayers would be seen from Cape Kiephali.
3. minelayer must have been seen from Denta Point.

Operation III

(a) *Minelaying from the north :*

1. operation might not be seen by the look-out at San Giorgio Monastery.
2. operation would not be seen from Cape Kiephali.
3. minelayer must have been seen from Denta Point.”

It is not understood why, under 3, in each case the word “minelayer” (singular) is used whereas elsewhere “minelayers” (plural) are referred to. It appears that what is intended is “minelaying” in each case.

“(b) minelaying from the south :

1. minelayers would be seen by the look-out at San Giorgio Monastery.
2. minelayer must have been seen from Denta Point.
3. minelayers would have been seen from Cape Kiephali.

(b) minelaying from the south :

1. minelayers must have been seen by the look-out at San Giorgio Monastery.
2. minelayer must have been seen by the look-out from Denta Point.
3. operation would not have been seen from Cape Kiephali.”

Here also, under 2, in each case where the word “minelayer” is used, “minelaying” seems to be intended.

Under 1, in each case, it also appears quite clear that where “minelayers” are referred to “minelaying” is meant, because the final sentence on the page, which sums up the effect of the “comparison” reads: “if the *minelaying* were started from the south, it must in both cases have been seen from the San Giorgio Monastery”. It appears in fact quite clearly from conclusion D on page 5 (English text) that Operation I (b) (i) and III (b) (i) (on page 6) is intended to be the precise counterpart of operation I (a) (i) and III (a) (i). The operation might not have been seen in the one case, but *must* have been seen in the other.

The Government of the United Kingdom further draws attention to the fact that, in referring to the San Giorgio Monastery, the experts are referring to the look-out post *at the foot* (see page 5, English text, conclusion C (i)). Having regard to the much more extensive view obtainable from the look-out tower, and the likelihood that this was in fact used, the probability that the operation would be detected from San Giorgio Monastery was in fact greater, in each case, than is stated in the experts’ report.

It is clear, finally, that nothing in the experts’ reply dated 12th February, 1949, is intended to affect, or in fact affects, the conclusion (underlined) which appears at the foot of page 14 and the top of page 15 (English text) of their report dated 8th February, 1949. This is made obvious (*inter alia*) by the statement at page 8 that “the conclusions which they have drawn in regard to the possibility of seeing the opera-

tion" [note the word "operation"] "appear to them to deprive the question whether the operation could be heard of any further importance". The experts clearly maintained the view that the operation must have been seen.

If, however, the Court are in any doubt on the question whether page 6 of the report contains the typing errors which have been suggested above, the Government of the United Kingdom requests the Court to refer to the experts.

17 February, 1949.

(Signed) W. E. BECKETT,
Agent for the Government of
the United Kingdom.

Annex 1

CHART SHOWING THE SUN'S AZIMUTH ON JANUARY 24th, 1949, AND
OCTOBER 17th, 1946

[See special volume.]

Annex 2

PHOTOGRAPH TAKEN AT APPROXIMATELY 1½ HOURS BEFORE SUNSET
ON JANUARY 24th, 1949

[See special volume.]

SECTION II**DOCUMENTS SOUMIS PAR LE GOUVERNEMENT
DE L'ALBANIE****A. — AVANT L'OUVERTURE DES AUDIENCES****I. NOTE ADRESSÉE PAR LA LÉGATION DE YUGOSLAVIE
A LA HAYE A L'AGENT DU GOUVERNEMENT ALBANAIS,
TRANSMETTANT UN COMMUNIQUÉ DU GOUVERNEMENT
YUGOSLAVE CONCERNANT LA DÉPOSITION DU CAPITAINE
DE CORVETTE KOVACIC**

La légation de la République fédérative populaire de Yougoslavie a l'honneur de vous faire parvenir ci-inclus le texte d'un communiqué du Gouvernement de Yougoslavie, concernant la question de l'affaire des Détroits de Corfou.

En même temps, la légation de Yougoslavie a l'honneur de porter à votre connaissance que le texte identique a été porté à la connaissance des deux Parties en cause, aujourd'hui.

La légation de Yougoslavie saisit cette occasion pour vous renouveler les assurances de sa haute considération.

La Haye, le 8 novembre 1948.

Légation de la République fédérative
populaire de Yougoslavie aux Pays-Bas.

*Annexe***COMMUNIQUÉ DU GOUVERNEMENT YUGOSLAVE**

Les milieux officiels de Grande-Bretagne à la fin du mois d'octobre 1946 déclarèrent que deux contre-torpilleurs britanniques heurtèrent des mines marines dans le chenal de Corfou, dans les eaux territoriales albanaises, près du lieu de Saranda. A cette occasion le Gouvernement du Royaume-Uni porta une accusation contre la République populaire d'Albanie, premièrement au Conseil de Sécurité et peu après à la Cour de La Haye, insistant de n'importe quelle façon à prouver la responsabilité du Gouvernement albanais pour les endommagements des navires et pour les victimes. Toutes les tentatives faites jusqu'aujourd'hui par le Gouvernement du Royaume-Uni pour atteindre ce but sont restées sans résultat.

Lors de la préparation et au moment d'intenter le procès, il ressortait clairement dès le début que l'accusation fut portée avec des buts particuliers politiques. Le cours du procès albano-britannique montre sans équivoque qu'il s'agissait ici, en premier lieu, comme il est connu, de violation systématique des droits souverains de l'Albanie dans ses eaux

territoriales. Après deux ans d'efforts infructueux de prouver par n'importe quel moyen la culpabilité de la République populaire d'Albanie, les facteurs britanniques compétents commencèrent dès derniers temps à tenter, par des chemins détournés, de mêler la République fédérative populaire de Yougoslavie dans ce procès. Dans son dernier exploit déposé à la Cour de La Haye, le Gouvernement du Royaume-Uni avait exposé un nouveau moment dans l'affaire, et même une nouvelle affirmation d'après laquelle les navires yougoslaves portant les noms de *Mljet* et de *Meljine* auraient immédiatement avant le 22 octobre 1946 mouillé des mines dans le chenal de Corfou au su et avec la complicité du Gouvernement de la République populaire d'Albanie. Il est clair que ce dernier agissement du Gouvernement britannique, par lequel celui-ci, deux ans après cet incident en question, essaie à présent d'accuser indirectement la Yougoslavie, ne fait que représenter une nouvelle manœuvre ayant les mêmes buts politiques. En même temps, la preuve présentée dévoile elle-même la non-validité et le caractère peu solide de cet agissement des autorités britanniques.

Un an et demi après sa fuite de Yougoslavie, le 4 octobre 1948, le déserteur militaire, Karel Kovacic, apparaît et promet des témoignages aux autorités britanniques. Ce témoin, auquel il a fallu presque un an et demi pour offrir au Gouvernement britannique son témoignage, réside à l'étranger jusqu'à présent, et est d'après sa propre déclaration sans profession, se procurant les moyens de vie d'une manière suspecte. Cependant, ceci concorde entièrement avec les circonstances dans lesquelles il a vécu et a travaillé pendant et après la guerre. Karel Kovacic était détenu pendant l'occupation de la Yougoslavie dans un camp italien à Chiesa Nuova, près de Padova, d'où il réussit à s'évader dans des conditions suspectes, tandis que sa femme légitime Toncka Kovacic, née Kozul, fut condamnée à mort en tant qu'agent de la Gestapo. Après son retour en Yougoslavie, Karel Kovacic se mit en liaison avec des agents d'un service de renseignement étranger qui l'aidèrent à désertier l'armée yougoslave et à fuir de Yougoslavie, faits pour lesquels il existe des pièces judiciaires du procès intenté contre l'espionne Erika Milutin. La non-validité de la déposition d'un tel individu est irréfutable. Il est par là incompréhensible que le Gouvernement du Royaume-Uni ait pu se décider à inculper le gouvernement d'un autre État, sur la base des dépositions d'un tel sujet, qui est au service d'un pays étranger, qui est déserteur militaire et qui a fui son pays à l'aide d'un service d'espionnage étranger. Il ne fait aucun doute qu'un tel acte est contraire non seulement aux principes fondamentaux de la morale dans les rapports internationaux, mais humilie également l'institution internationale au sein de laquelle on essaie de le réaliser.

Dans ses dépositions mensongères, Karel Kovacic mentionne que le mécanicien sous-lieutenant Drago Blazevic lui avait communiqué que les dragueurs de mines étaient partis vers le 17 ou le 18 octobre 1946 de Sibenik pour Boka Kotorska et plus loin pour effectuer une mission importante, bien qu'en réalité le sous-lieutenant Drago Blazevic n'existe pas dans la marine de guerre yougoslave.

Karel Kovacic affirme ensuite que les dragueurs de mines portant les noms de *Mljet* et de *Meljine* auraient chargé à bord aux dates susmentionnées des mines dans la baie de Panikovac. Toutefois, il n'existe pas dans la marine de guerre yougoslave des dragueurs de mines ayant de tels noms et un tel signalement.

Les dragueurs de mines de la marine de guerre yougoslave se trouvaient sans interruption, du 27 septembre au 9 novembre 1946, dans les chantiers de Sibenik, où leurs chaudières ont été soumises à un nettoyage intérieur, où leurs machineries étaient revisées et où fut effectuée une série d'autres réparations, tandis que le premier mouillage d'essai eut lieu en présence d'une commission seulement le 9 novembre 1946, d'où résulte qu'ils étaient pendant tout ce temps complètement hors d'état de naviguer.

Karel Kovacic affirme également avoir vu le 17 ou le 18 octobre les soi-disant navires *Mljët* et *Meljine* dans la baie de Panikovac, et qu'il aurait vu distinctement, à la lumière du soleil sous un angle de 30 degrés, les formes de mines avec leurs mèches montées etc. Toutefois, le 17 ou le 18 octobre, l'angle du soleil était à 16.15 h. de circa 7 degrés. La baie de Panikovac, à cause des montagnes environnantes et de la position du soleil, se trouve normalement à cette époque dans l'ombre et, en outre, aux dates précitées le temps était nuageux et pluvieux.

Tous les faits ci-dessus exposés prouvent entièrement que la nouvelle affirmation du Gouvernement britannique est contraire à la vérité et est fondée sur la déposition mensongère et inventée de toutes pièces de Karel Kovacic qui a rendu au Gouvernement britannique, entre autre, par son témoignage un mauvais service.

Le Gouvernement de la République fédérative populaire de Yougoslavie rejette dans son ensemble l'agissement du Gouvernement britannique et fait ressortir que les moyens employés dans ce cas concret contre le Gouvernement de la R. F. P. de Yougoslavie sont peu sérieux et de mauvaise foi et ne peuvent être dans aucun cas pris en considération par un organe international qui, par son rôle et ses fonctions qui lui ont été attribués, doit tenir compte de ses actes et ne peut permettre que son prestige et son autorité dans le monde soient grossièrement atteints par de telles méthodes inadmissibles ou semblables.

Légation de la République fédérative
populaire de Yougoslavie aux Pays-Bas.

2. CALQUE « A » INDIQUANT LE CHENAL DÉMINÉ ET LA
VOIE NORMALE DE LA NAVIGATION PASSANT AU MILIEU
DU CANAL NORD DE CORFOU

[Voir volume spécial.]

3. CALQUE « B » INDIQUANT LE CHENAL DÉMINÉ ET LA ZONE
DU CANAL NORD DE CORFOU D'UNE PROFONDEUR
INFÉRIEURE A 25 BRASSES

[Voir volume spécial.]

4. CALQUE « C » INDIQUANT LES POSITIONS RESPECTIVES
DU CHENAL ALLEMAND ET DU CHENAL DÉMINÉ

[Voir volume spécial.]

5. CALQUE « D » INDIQUANT LA POSITION DU CHAMP DE
MINES ET LE TRAJET SUIVI PAR LES NAVIRES
« MAURITIUS », « LEANDER », « SUPERB » ET « ORION »

[Voir volume spécial.]

6. PROCÈS-VERBAUX DU CONSEIL DE SÉCURITÉ, PREMIÈRE
ANNÉE, SECONDE SÉRIE, SUPPLÉMENT N° 4

[Non reproduits.]

B. — APRÈS L'OUVERTURE DES AUDIENCES

7. RAPPORT DE M. JACQUES CHAPELON, PROFESSEUR
D'ANALYSE A L'ÉCOLE POLYTECHNIQUE DE PARIS, AU
SUJET DU PASSAGE DU « MAURITIUS » DANS UN CHAMP
DE MINES¹

[Voir volume spécial.]

8. EXTRAIT DE L'ORDONNANCE N° 892 DU MINISTÈRE DE
LA DÉFENSE NATIONALE YOUGOSLAVE CONCERNANT LES
DRAGUEURS DE MINES M 1, M 2 ET M 3¹

[Traduction.]

L'Ordonnance, n° réservé : 892,
du ministère de la Défense nationale pour
le 17 novembre 1945.

Aux besoins du service et sur la proposition
du Commandement de la Marine

J'ordonne

I

que sur la liste de la flotte de la Marine yougoslave soient inscrites les
unités navales suivantes :

¹ Texte en langue serbo-croate (non reproduit), avec traduction française visée
à la légation de Yougoslavie à La Haye comme conforme à l'original.

A — *Les unités opératives*

- omis
- 17) le porteur de mines M - 1
- 18) » » » » M - 2
- 19) » » » » M - 3
- omis

B — *Les unités auxiliaires*

omis

II

omis

Le Président du Conseil
des Ministres et Ministre de la
Défense nationale :

Le Maréchal de Yougoslavie :

J. B. Tito s. r.

[L. S.]

Le Grand État-major de
l'Armée yougoslave.

Vu pour la vérification de la copie :

Le Commandant en chef de la Marine
de guerre yougoslave :

Le Vice-Amiral JOSIP CERNI.

[L. S.]

L'État-major
du Commandement de la Marine
de guerre yougoslave.

9. ATTESTATION RELATIVE A LA RÉPARATION DES BÂTI-
MENTS DE LA CLASSE ET DU TYPE M, DANS LES CHANTIERS
DE SIBENIK, DU 27 SEPTEMBRE AU 9 NOVEMBRE 1946¹

[Traduction.]

CERTIFICAT

Nous attestons que les bâtiments de la classe et du type « M » ont été
en réparations au chantier de réparations de Sibenik, du 27 (vingt-sept)
septembre au 9 (neuf) novembre 1946, ainsi qu'il résulte du registre du

¹ Texte en langue serbo-croate (non reproduit), avec traduction française visée
à la légation de Yougoslavie à La Haye comme conforme à l'original.

travail du chantier de réparations de Sibenik de l'année 1946, sous les nos 920, 921 et 922 du registre.

Sibenik,
le 17 novembre 1948.

[L. S.] (La Direction du chantier,
secteur technique.)

Le Directeur du chantier
de réparations :
Le Capitaine SAZUNIÉ BRANKO.

Certifié et attesté la véracité
du présent certificat :

Le Commandant Lieutenant-Colonel :
PURISIC Ivo.

[L. S.] (Le Commandement naval
de l'Adriatique centrale.)

10. PHOTOCOPIE D'UNE PAGE DU REGISTRE DES
RÉPARATIONS DES CHANTIERS DE SIBENIK
(CERTIFIÉE CONFORME A L'ORIGINAL)

[Voir volume spécial.]

Annexe

TRADUCTION FRANÇAISE DES INSCRIPTIONS CONCERNANT LES BÂTIMENTS
M 1, M 2 ET M 3, VISÉE A LA LÉGATION DE YOUGOSLAVIE
A LA HAYE COMME CONFORME A L'ORIGINAL

N° de la commande	Date	Appellation des objets navigables, des unités ou de l'organisme	Désignation du travail
896	16.9.46
920	26.9.46	M. 1	La réparation des machines principales et accessoires ; les petites réparations de la chaudière et de l'installation électrique des bâtiments (nettoyage intérieur de la chaudière sera fait par l'équipage).
.....

N° de la commande	Date	Appellation des objets navigables, des unités ou de l'organisme	Désignation du travail
921	26.9.46	M. 2	Les réparations sur les principales machines auxiliaires (nettoyage intérieur de la chaudière sera fait par l'équipage du bâtiment). Les réparations partielles de la chaudière.
922	26.9.46	M. 3	La réparation des machines principales et auxiliaires. Réparation sur la chaudière et rechange des pièces éclatées des tuyaux : 6 pièces. (Le nettoyage de la chaudière sera fait par l'équipage.)
923	26.9.46		

[L. S.]

(Le Ministère de la Défense nationale : Département juridique.)

Certifie que la photocopie ci-contre est conforme à son original.

Le Directeur du Département juridique du Ministère de la Défense nationale :
Le Colonel ZVONIMIR OSTRIC.

II. CALCUL SUR LA HAUTEUR DU SOLEIL A
SIBENIK LE 18 OCTOBRE 1946 A 15 H. 15, ÉTABLI
PAR LE CAPITAINE ORMANOV

[Voir volume spécial.]

12. ATTESTATION RELATIVE A L'OFFICIER
DRAGO BLAZEVIC¹

[Traduction.]

Le Commandement de la Marine
de guerre yougoslave.
Département personnel
(très confidentiel n° 941).
Le 17 novembre 1948.

CERTIFICAT

Nous attestons que dans le rang du cadre des officiers de la Marine de guerre yougoslave, ne se trouve pas en service et n'a jamais été en service un certain sous-lieutenant mécanicien-machiniste du nom de DRAGO BLAZEVIC.

Split,
le 17 novembre 1948.

Le Directeur
du Département personnel du
Commandement de la Marine de
guerre yougoslave :
SIMURDIC PETER.

[L. S.]
Certifie et atteste la véracité du
présent certificat,

Le Commandant en chef de la Marine
de guerre yougoslave :
Le Vice-Amiral : CERNI JOSIP.

[L. S.]
État-major du commandement de la
Marine de guerre yougoslave.

Vu à la légation de la République fédérative
populaire de Yougoslavie pour traduction con-
forme à son texte en langue serbo-croate. La
taxe de (gratis) a été perçue conformément
à l'art. T n° du tarif de la loi sur les taxes.

A n° 1400/48
Le 24 novembre 1948,
La Haye.

D'ordre du Ministre,
Le Secrétaire de légation :
[Signature illisible.]

[Sceau]
Légation de la République
fédérative populaire de
Yougoslavie aux Pays-Bas.

¹ Texte en langue serbo-croate (non reproduit), avec traduction française visée à la légation de Yougoslavie à La Haye comme conforme à l'original.

13. CERTIFICAT RELATIF AUX MOUVEMENTS DES
BÂTIMENTS DE LA CLASSE ET DU TYPE M EN
OCTOBRE 1946¹

[Traduction.]

Le Commandement maritime de
l'Adriatique méridionale.

N° 4902,

le 17 novembre 1948.

CERTIFICAT

Nous attestons que les bâtiments de la classe et du type « M » n'étaient pas en ravitaillement chez les unités de la Marine de guerre yougoslave à Boka Kotorska, pendant la période du 1^{er} (premier) au 31 (trente et un) octobre 1946 (mil neuf cent quarante-six) et que dans le temps susmentionné, ils n'ont pas passé (n'étaient pas en passage) par Boka Kotorska.

Meljine, le 17 novembre 1948.

[L. S.]

Commandant, le Capitaine de
II^{me} rang :
VULIN IVAN.

Certifie et atteste la véracité du
présent certificat :

Commandant en chef de la Marine
de guerre yougoslave :

Le Vice-Amiral : CERNI JOSIP.

[L. S.]

État-major du Commandement de la
Marine de guerre yougoslave.

Vu à la légation de la République fédérative
populaire de Yougoslavie pour traduction con-
forme à son texte en langue serbo-croate. La
taxe de (gratis) a été perçue conformément
à l'art. T. n° du tarif de la loi sur les taxes.

A n° 1400/48

Le 24 novembre 1948,

La Haye.

D'ordre du Ministre.
Le Secrétaire de légation :
[Signature illisible.]

[Sceau]

Légation de la République
fédérative populaire de
Yougoslavie aux Pays-Bas.

¹ Texte en langue serbo-croate (non reproduit), avec traduction française visée à la légation de Yougoslavie à La Haye comme conforme à l'original.

14. CARTE DE L'AMIRAUTÉ BRITANNIQUE N° 1581 :
ABORDS DU PORT DE SIBENIK

[*Voir volume spécial.*]

15. CROQUIS DE PANIKOVAC ÉTABLI PAR L'INSTITUT
HYDROGRAPHIQUE YOUGOSLAVE EN DATE DU
20 NOVEMBRE 1948

[*Voir volume spécial.*]

16. PLAN DE CADASTRE DE LA VILLE DE SIBENIK

[*Voir volume spécial.*]

17. PHOTOGRAPHIES Nos I, II ET III DE PANIKOVAC,
PRISES DU QUAI DE CIPAD OU DES ENVIRONS

[*Voir volume spécial.*]

18. PHOTOGRAPHIES Nos IV ET V, PRISES EN
DIRECTION DE PANIKOVAC DE LA TERRASSE OÙ SE
TROUVAIT LE CAPITAINE DE CORVETTE KOVACIC

[*Voir volume spécial.*]

19. CARTE ITALIENNE DE SIBENIK (N° 558)

[*Voir volume spécial.*]

20. RAPPORT DE LA « COMMISSION » YOUGOSLAVE AU
SUJET DE L'INDISPONIBILITÉ DES BÂTIMENTS
M 1, M 2 ET M 3

(TROIS DOCUMENTS ORIGINAUX EN LANGUE SERBO-CROATE DATÉS DU
11 NOVEMBRE 1946, AVEC TRADUCTIONS FRANÇAISES VISÉES A LA LÉGATION
DE YOUGOSLAVIE A LA HAYE COMME CONFORMES AUX ORIGINAUX)

[*Voir volume spécial.*]

21. FICHES DE TRAVAIL DES CHANTIERS DE SIBENIK POUR
LES COMMANDES Nos 920, 921 ET 922 CONCERNANT LES
BÂTIMENTS M 1, M 2 ET M 3

(DOCUMENTS ORIGINAUX EN LANGUE SERBO-CROATE,
AVEC TRADUCTIONS FRANÇAISES VISÉES A LA LÉGATION DE
YUGOSLAVIE A LA HAYE COMME CONFORMES AUX ORIGINAUX)

[Voir volume spécial.]

22. FICHE DE TRAVAIL CONCERNANT LE BÂTIMENT M 1,
PORTANT LA SIGNATURE DU CAPITAINE DE CORVETTE
KOVACIC

(DOCUMENT ORIGINAL EN LANGUE SERBO-CROATE, AVEC
TRADUCTION FRANÇAISE VISÉE A LA LÉGATION DE YUGOSLAVIE
A LA HAYE COMME CONFORME A L'ORIGINAL)

[Voir volume spécial.]

23. « COMMANDES DE TRAVAIL » Nos 920, 921 ET 922
ADRESSÉES A LA DIRECTION DES CHANTIERS DE
SIBENIK EN DATE DU 26 SEPTEMBRE 1946 ET
CONCERNANT LES RÉPARATIONS A EFFECTUER AUX
CHAUDIÈRES DES BÂTIMENTS M 1, M 2 ET M 3

(TROIS DOCUMENTS ORIGINAUX EN LANGUE SERBO-CROATE,
AVEC TRADUCTIONS FRANÇAISES VISÉES A LA LÉGATION DE
YUGOSLAVIE A LA HAYE COMME CONFORMES AUX ORIGINAUX)

[Voir volume spécial.]

24. AFFIDAVIT DE LA PRÉSIDENTE DU GOUVERNEMENT DE
LA RÉPUBLIQUE FÉDÉRATIVE POPULAIRE DE
YUGOSLAVIE AU SUJET DE L'HEURE LÉGALE EN
YUGOSLAVIE

(TEXTE EN LANGUE SERBO-CROATE DATÉ DU 27 NOVEMBRE 1948
AVEC TRADUCTION FRANÇAISE VISÉE A LA LÉGATION DE YUGOSLAVIE
A LA HAYE COMME CONFORME A L'ORIGINAL)

[Voir volume spécial.]

25. RÉPONSE DONNÉE PAR LES EXPERTS DE LA
DÉLÉGATION ALBANAISE AUX QUESTIONS POSÉES PAR LE
JUGE ÈÇER AU COMITÉ MIXTE D'EXPERTS,
LE 30 NOVEMBRE 1948 :

1) LA LUMIÈRE ÉTAIT-ELLE SUFFISANTE A 17 h. 35 POUR PERMETTRE AU CAPITAINE DE CORVETTE KOVACIC DE VOIR LES NAVIRES MOUILLÉS DANS L'ANSE DE PANIKOVAC ?

2) SI LA LUMIÈRE ÉTAIT SUFFISANTE, LA TERRE AURAIT-ELLE PU ARRÊTER LA VUE ?

1°. Même en plein jour, il eût été absolument impossible pour Kovacic de se faire une opinion sur la situation des navires :

a) la distance entre Panikovac et la maison dont il a indiqué la position sur la carte est d'environ 1.350 mètres.

b) la pointe de Panikovac intercepte le rayon visuel joignant l'observateur aux bâtiments. Or, l'altitude au-dessus du niveau de la mer¹ de la pointe de Panikovac varie entre 5 et 14 mètres, altitude suffisante pour masquer le pont des mouilleurs de mines.

Les deux photos IV et V (jointes au présent rapport²) ont été prises de la terrasse où se trouvait Kovacic. Elles montrent que la pointe de Panikovac forme écran devant l'emplacement des navires.

2°. Le 17 octobre, le soleil s'est couché à 17 h. 11 et le crépuscule civil a eu lieu à 17 h 40.

A 17 h. 35, Kovacic voyait les collines de Panikovac dans l'obscurité au-dessous d'un ciel légèrement éclairé.

Il ne pouvait faire aucune observation.

La Haye, le 4 décembre 1948.

26. CROQUIS MONTRANT LA PARTIE D'UN BÂTIMENT DE LA CLASSE M QUI AURAIT PU ÊTRE APERÇUE, LA NUIT, DE LA CÔTE, D'UNE ALTITUDE DE 15 PIEDS, LE BÂTIMENT ÉTANT : 1) A 550 M. DE LA CÔTE ; 2) A 1,5 MILLE DE LA CÔTE³

[Voir volume spécial.]

27. REGISTRE DES CHANTIERS NAVALS DE SIBENIK

[Voir, dans le volume spécial, la photocopie d'une page du registre faite par le Greffe de la Cour.]

¹ Voir croquis de Panikovac établi par le Service hydrographique yougoslave, (n° 15, p. 108).

² Voir n° 18, p. 108.

³ Croquis fait par le capitaine Ormanov et montré à la Cour lors de l'audience du 8 décembre 1948, après-midi (voir vol. IV, p. 334).

28. CARTE « EUROPE ET AFRIQUE DU NORD », FEUILLE 4,
PUBLIÉE PAR L'INSTITUT GÉOGRAPHIQUE NATIONAL
FRANÇAIS EN 1941 — AVEC INDICATION DES LIGNES
MARITIMES

[*Voir volume spécial.*]

29. QUATRE PHOTOGRAPHIES MONTRANT LA CÔTE PRÈS DE
SARANDA

[*Voir volume spécial.*]

30. CROQUIS ÉTABLISSANT APPROXIMATIVEMENT LES
HAUTEURS DE L'ANSE DE PANIKOVAC EN DIRECTION DE
SIBENIK¹

[*Voir volume spécial.*]

31. OBSERVATIONS DU CONTRE-AMIRAL MOULLEC SUR LES
RAPPORTS DU CAPITAINE DE FRÉGATE SWORDER RELATIFS
A LA POSITION DES NAVIRES DANS LES EAUX DE PANIKOVAC

6 janvier 1949.

Après examen des deux rapports du commandant Sworder relatifs à la position des navires dans l'anse de Panikovac, nous désirons faire les remarques suivantes :

1° Nous ne pouvons en aucune manière accepter les conclusions de ces rapports, tirées d'hypothèses que nous considérons comme abusives.

En particulier, l'expert britannique affirme gratuitement qu'un nouveau quai a été construit vers la partie nord-est de l'anse de Panikovac et, dans le croquis donné à l'annexe n° 5 au document E. 11/1/78, il situe les deux bâtiments le long de ce nouveau quai.

Or, nous sommes en mesure d'affirmer que ce nouveau quai n'existe pas. Comme nous l'avons déjà dit, le quai nord a une longueur de 45 mètres et, plus à l'est, il n'y a qu'une plage ou l'accostage des navires est impossible.

Nous soutenons donc qu'il n'est pas vraisemblable que le premier navire ait pu être accosté à une longueur et demie de l'angle nord-ouest de la baie (comme il est dit dans le second rapport). Cette longueur et demie correspond exactement à 45 mètres, soit à la totalité de la longueur du quai. On ne voit pas comment un chargement de mines eût pu être effectué dans une telle position.

2° De la même manière, nous n'acceptons pas les conclusions tirées de la photographie aérienne de Panikovac prise en 1944.

¹ Croquis fait par le contre-amiral Moullec.

Nous avons examiné cette photographie à la loupe et nous estimons que les taches qui se trouvent près du quai sud ne représentent ni des obstructions sous-marines ni des épaves qui n'ont jamais existé à cet endroit. Nous croyons plutôt qu'il s'agit de *chalandés camouflés* qui, en 1944, avaient été entreposés par les Allemands sur de nombreux points de la côte.

Nous sommes d'ailleurs en mesure d'affirmer que des bâtiments de la classe M auraient pu être accostés sans difficulté sur n'importe quel point du quai sud de Panikovac, la profondeur de l'eau le long du quai étant largement supérieure au tirant d'eau des navires. C'était là le point d'amarrage normal et nous considérons que le fait de prétendre qu'un chargement de mines ait pu être effectué au quai nord constitue une des nombreuses erreurs du témoignage de Kovacic.

3° D'une manière générale, nous ne pouvons accepter les hypothèses audacieusement bâties par l'expert britannique au sujet de données matérielles telles que longueur du quai, profondeur de l'eau, relief de la côte, etc.

Nous admettons qu'il est parfois légitime de faire des commentaires sur des événements passés pour lesquels des interprétations différentes sont concevables.

Par contre, lorsqu'il s'agit de données matérielles existant encore aujourd'hui, un seul critère nous paraît valable, celui de l'expérience et de la vérification sur place.

Nous avons fait faire cette vérification, et c'est ce qui nous a permis d'affirmer formellement que, même en plein jour, des bâtiments accostés au quai nord de Panikovac ne peuvent aucunement être vus de la terrasse de la maison Keric.

Nous suggérons maintenant, en présence du dernier rapport britannique, que cette vérification sur place soit reprise par les experts de la Cour.

Suivant les assurances qui ont été données à la délégation albanaise, l'accomplissement d'une telle mission ne rencontrerait pas d'obstacle de la part du Gouvernement yougoslave.

Le Contre-Amiral Moullec,
expert naval auprès de la
Délégation albanaise,
(Signé) MOULLEC.

32. RAPPORT DU COMMANDANT DU 1^{er} RÉGIMENT
D'INFANTERIE EN DATE DU 15 MAI 1946¹

ARMÉE NATIONALE, COMMANDEMENT DE LA 1^{re} DIVISION D'INFANTERIE,
COMMANDEMENT DU 1^{er} RÉGIMENT

N° 02-67 Prot. Très confidentiel.

Saranda, le 15. v. 1946.

Urgent.

*Au Commandement de la 1^{re} Division d'infanterie,
Gjinokastr.*

Référence à notre câble n° 67 Rez. en date de ce jour 15.5.1946, nous vous donnons les détails suivants :

Aujourd'hui vers 8.30 heures deux navires de guerre inconnus naviguaient dans nos eaux venant du cap Kiephali et se dirigeaient vers la baie de Saranda à une distance d'environ un km. de la côte. Lorsqu'ils sont arrivés en face de la baie de Limioni ils changèrent brusquement de route se dirigeant vers le port de Saranda. A ce moment ils n'étaient pas plus de 800 m. de la terre ferme de la colline de Limioni et l'on apercevait très bien leur armement en artillerie, mais ils ne portaient aucun pavillon et l'on ne pouvait pas savoir leur nationalité.

Dans ces conditions et vu qu'ils se dirigeaient vers le port on leur a fait les signaux habituels pour s'éloigner ; néanmoins, ils continuaient dans la même direction et c'est alors que l'artillerie de la colline de Limioni tira quelques coups de semonce pour leur faire comprendre qu'ils devaient s'éloigner. A ce moment ils changèrent de direction et en même temps ils arborèrent le pavillon qui fut identifié être celui de l'Angleterre ; ils laissèrent échapper aussi une masse de fumée pour se masquer et s'en allèrent ensuite en direction de Corfou, mais toujours suivant de près notre côte jusqu'à une distance d'environ 200 m. en face du monastère de St.-Georges.

Le Commandant,
Cap. SKENDER BACKA.

COMMANDEMENT DE LA 1^{re} DIVISION D'INFANTERIE

N° 27/V. Très confidentiel.

Gjinokastr, le 20. v. 1946.

Au Commandement général, Tirana.

Pour connaissance nous transmettons la lettre du 1^{er} Régiment d'infanterie, se référant à la nôtre n° 02-III dt. 16. v. 1946.

P. le Commandant,
Lt.-Colonel NIAZI ISLAMI.

¹ Original en langue albanaise (non reproduit), avec traduction française visée à la légation d'Albanie à Paris comme conforme à l'original. [Voir lettre de l'agent du Gouvernement d'Albanie au Greffier en date du 13 1 49, n° 300, p. 253 du présent volume.]

Légation de la République populaire d'Albanie à Paris.

N° Rég. — 3/3 — taxe perçue : gratis.

Vu pour traduction conforme à son texte original en langue albanaise.

Paris, le 14 janvier 1949.

[Cachet.]

D'ordre du Ministre,
le 1^{er} Secrétaire de légation,

(Signé) MARK ULI.

33. LETTRE ADRESSÉE LE 16 MAI 1946 PAR LE COMMANDANT
DE LA 1^{re} DIVISION D'INFANTERIE AU COMMANDEMENT
GÉNÉRAL DE TIRANA ¹

ARMÉE NATIONALE,
1^{re} DIVISION D'INFANTERIE,
GJINOKASTRA.

Gjinokastr, le 16. V. 1946.

Urgent — Confidential,
N° Prot. 02-III.

Au Commandement général, Tirana.

Nous portons de nouveau à votre connaissance que nous avons été avisés par télégramme du commandement du 1^{er} Régiment d'infanterie qu'hier matin deux navires de guerre venant du nord ont passé de très près de notre côte. Les navires ne portaient pas de pavillon et autant qu'on nous informe, ils ont été identifiés plus tard comme des navires britanniques. Quand le commandement de la batterie de Baladha a vu que les navires se dirigeaient vers Saranda, il leur fit des signaux pour qu'ils s'éloignent, mais il n'a pas eu de réponse et à la fin il a tiré quelques coups autour des navires qui se sont éloignés et ont laissé échapper de la fumée. Je me suis assuré qu'aucun obus n'a touché les navires et qu'il n'y a pas eu une telle intention de la part de notre batterie. Le passage des navires britanniques si près de Limioni et en direction de Saranda semble avoir été effectué intentionnellement.

Pour d'autres détails j'attends le rapport écrit du commandement du régiment que je vous transmettrai par le premier moyen.

P. le Commandant de la Division,
(Signé) Lt.-Colonel NIAZI ISLAMI.

Légation de la République populaire d'Albanie à Paris.

N° Rég. — 1/2 — taxe perçue : gratis.

Vu pour traduction conforme à son texte original en langue albanaise.

Paris, le 14 janvier 1949.

[Cachet.]

D'ordre du Ministre,
le 1^{er} Secrétaire de légation,

(Signé) MARK ULI

¹ Original en langue albanaise (non reproduit), avec traduction française visée à la légation d'Albanie à Paris comme conforme à l'original. [Voir lettre de l'agent du Gouvernement d'Albanie au Greffier de la Cour en date du 13 1 49, n° 300, p. 253 du présent volume.]

34. TEXTE ORIGINAL DU RAPPORT DU CAPITAINE
ALI SHTINO EN DATE DU 23 OCTOBRE 1946, RELATIF AUX
INCIDENTS DU 22 OCTOBRE 1946

[*Non reproduit*¹.]

35. OBSERVATIONS DU GOUVERNEMENT DE LA RÉPUBLIQUE
POPULAIRE D'ALBANIE AFFÉRENTES AU RAPPORT DES
EXPERTS NAVALS DE LA COUR INTERNATIONALE DE
JUSTICE EN DATE DU 8 FÉVRIER 1949

Les vérifications auxquelles ont procédé, à Sibenik et Saranda, les experts commis par la Cour ont confirmé, sur les points essentiels, les indications fournies au cours des débats par les experts et les conseils du Gouvernement albanais.

D'autre part, aucune des constatations matérielles consignées dans leurs rapports n'est en contradiction avec la thèse développée au nom du Gouvernement albanais, à savoir que le mouillage des mines draguées dans le Déroit de Corfou lors de l'opération Retail a pu être effectué sans être nécessairement observé ou entendu de la côte.

Toutefois, dans ce rapport comme dans leurs réponses aux questions posées par trois de Messieurs les Juges, les experts donnent de ces constatations une interprétation qui excède les limites de leur mission.

Il appartient à la Cour, et à elle seule, d'interpréter les faits qui lui sont soumis.

Dans ces conditions, il est nécessaire de préciser les conclusions que le Gouvernement albanais se croit fondé à tirer des résultats des vérifications complémentaires ordonnées par la Cour. Si de nouvelles questions devaient être posées par la Cour aux experts, le Gouvernement albanais se réserve de présenter des observations complémentaires sur les réponses à ces questions ainsi que sur les observations éventuelles du Gouvernement britannique.

A. — VÉRIFICATIONS OPÉRÉES A SIBENIK

L'expertise sur place a permis d'établir les faits suivants :

1° Les quais de Panicovac ont approximativement les dimensions indiquées par l'amiral Moullec. Il n'existe et n'existait en 1946 aucune prolongation de ces quais.

Les experts admettent que la méthode la plus rapide pour charger des mines aurait consisté à amarrer les deux navires l'un derrière l'autre le long du quai sud-ouest. C'est précisément ce qui avait été indiqué par l'expert du Gouvernement albanais au cours de son audition par la Cour. Il est donc invraisemblable que les deux bâtiments de la classe M dont parle le témoin Kovacic aient été amarrés dans la position décrite par lui devant la Cour.

¹ La traduction française de ce rapport avait été reproduite en annexe 7 au Contre-Mémoire du Gouvernement albanais (vol. II, p. 154). Voir, à ce sujet, la lettre de l'agent du Gouvernement d'Albanie au Greffier de la Cour en date du 14 1 49 (n° 303, p. 255 du présent volume).

2° A l'heure où le témoin Kovacic prétend avoir vu pour la première fois ces deux navires en cours de chargement, ceux-ci se seraient trouvés dans l'ombre.

Les experts constatent donc que si la vedette à bord de laquelle aurait pris place Kovacic a suivi le trajet (i) ou (ii), il aurait été impossible de voir « que les mines étaient fraîchement peintes », et le témoin n'aurait pu apercevoir « les antennes et les rails » ; si la vedette a suivi le trajet (iii) qui apparaît comme le plus probable, puisqu'il n'y a pas de débarcadère à la pointe Kulina, il aurait seulement été possible, disent les experts, de voir les mines en train d'être chargées, mais « aucune autre observation n'aurait pu être faite en suivant ce trajet ».

Ainsi, même si l'on envisage les trajets comportant les conditions les plus favorables pour observer les navires, c'est-à-dire les trajets (i) ou (ii), le témoin Kovacic n'a pas dit la vérité lorsqu'il a déclaré dans son affidavit, puis devant la Cour, « avoir vu que les mines scintillaient, ce qui signifie qu'elles étaient revêtues d'une couche de peinture fraîche », avoir vu les rails et avoir vu les antennes des mines (Distr. 435 bis, pp. 390 et 403¹).

3° En raison de la configuration du terrain, des navires de la classe M, amarrés dans l'anse de Panicovac, n'auraient pu à aucun moment être vus de la terrasse de la maison de Keric. De cet endroit, les experts ne purent apercevoir le navire témoin que lorsque après avoir quitté l'anse de Panicovac il se fut dirigé, selon leurs instructions, vers l'intérieur de la rade de Sibenik, manœuvre qu'en tout état de cause les navires décrits par Kovacic n'auraient certainement pas exécutée pour aller accomplir une mission secrète (voir photographie en annexe). Si, au contraire, le navire témoin s'était dirigé vers la sortie de la rade, c'est-à-dire vers le canal de Saint-Antoine, il serait resté dans l'ombre des collines environnantes et n'aurait pas pu être observé.

Le témoin Kovacic n'a donc pas dit la vérité lorsqu'il a prétendu avoir vu de la terrasse de la maison de Keric, au moment où ils se trouvaient dans l'anse de Panicovac, les navires chargés de mines dont il a précisé la position par un croquis (Distr. 435 bis, p. 419²).

Qu'il se soit trouvé sur la terrasse de la maison de Keric à 18 h. 30, c'est-à-dire en pleine nuit, comme il l'indiquait dans son affidavit et le confirmait devant la Cour à l'audience du 26 novembre 1948, ou un peu plus tôt selon sa déposition rectifiée du lendemain, ce témoin n'a pu voir les dragueurs de mines dans l'anse de Panicovac.

4° Les navires de la classe M pouvaient contenir de 18 à 20 mines du type GY.

Le témoin Kovacic n'a donc pas dit la vérité lorsqu'il a affirmé dans son affidavit, puis devant la Cour (Distr. 435 bis, p. 421³), avoir vu sur chacun des navires de 40 à 50 mines.

Conclusion

Les indications inexactes données par le témoin Kovacic non seulement dans son affidavit, mais devant la Cour, alors qu'il déposait sous la foi du serment, et répondait à des questions précises dont l'importance ne

¹ Voir vol. III, pp. 592 et 605.

² " " " , p. 621.

³ " " " , p. 623.

pouvait lui échapper, permettent de conclure que ce témoin est un imposteur.

La Cour ne peut tenir aucun compte de ses déclarations.

B. — VÉRIFICATIONS OPÉRÉES A SARANDA

I

Au cours de sa déposition, le capitaine Shtino, en réponse aux questions posées par sir Frank Soskice, a précisé qu'en octobre 1946, en dehors des postes de Borsh et Himara situés au nord du cap Kiephali et de la batterie de Baladha, il y avait seulement trois postes de garde : au cap Kiephali, à Saranda même, et au monastère St-Georges (Distr. 435 bis, page 702¹).

Le capitaine Polena a confirmé ces indications en précisant qu'il y avait 8 à 12 hommes au cap Kiephali et au monastère St-Georges, 15 à 20 à Saranda, et qu'il n'y avait pas de poste à la pointe Denta (Distr. 435 bis, page 718²).

Il ajoutait qu'il n'y avait pas de maison habitée à la pointe Denta, que les routes les plus proches passaient à 1.500 ou 2.000 mètres à l'intérieur (pp. 724-725³) et que les postes faisaient une patrouille par nuit (p. 744⁴).

Les constatations effectuées sur place par les experts n'ont en aucune manière infirmé les indications ainsi fournies à la Cour par deux témoins qui ont déposé sous la foi du serment. Elles ont confirmé ce qui pouvait faire l'objet d'une vérification matérielle.

a) Les experts n'ont trouvé un poste de garde qu'au monastère St-Georges. Il y avait six soldats, ce qui correspond, compte tenu des corvées et absences usuelles, à l'effectif moyen indiqué par le capitaine Polena.

Les experts relatent qu'au moment de leur première visite, dans la journée du 28 janvier 1949, ces soldats étaient endormis ; ils ajoutent que dans la soirée un des deux groupes de la Commission d'Expertise a été arrêté par deux soldats armés procédant sans doute à la patrouille habituelle indiquée par le capitaine Polena.

Il n'est pas possible d'en tirer la conclusion, suggérée par les experts, que les postes assurent une garde vigilante pendant la nuit.

Aussi bien, un effectif aussi réduit ne permettrait pas d'assurer une surveillance continue.

Le récit des experts révèle au contraire la faible densité et les lacunes de cette surveillance : c'est une surveillance du temps de paix qui ne peut en aucune manière être comparée à celle que pourrait établir le long de ses côtes un pays disposant d'une armée mobilisée et expérimentée et d'une défense bien organisée.

Ce récit prouve au surplus que le Gouvernement albanais n'a pris aucune disposition particulière en vue de la visite de la Commission d'Expertise qui a eu ainsi toute facilité pour procéder à ses opérations sans risquer d'être induite en erreur par une mise en scène.

b) Les experts ont constaté « qu'il n'existe pas de sentier convenable » pour se rendre de l'intérieur à la pointe Denta.

c) Les experts n'ont pas trouvé de « maison habitée » à la pointe Denta.

¹ Voir vol. IV, p. 219.

² » » » , » 235.

³ » » » , pp. 241-242.

⁴ » » » , p. 261.

d) Les experts signalent l'existence à la pointe Denta, à proximité d'un bâtiment qu'ils n'ont pas visité, d'un « vieux bâtiment à toit, pouvant servir de logement pour des hommes et des mulets », d'emplacements pour faire du feu, et d'une ligne de tranchées et de postes de mitrailleuses, auxquels il est possible d'accéder par la mer. Ils ont trouvé dans une tranchée un journal albanais du 11 septembre 1948. Les experts prétendent en conclure que « des gardes ou des postes de veille furent maintenus au cap Denta jusqu'au 11 septembre 1948 ».

Cette opinion ne saurait être adoptée par la Cour.

L'imprécision des indications fournies par les experts sur les constatations faites par eux à la pointe Denta ont conduit M. le Juge Krylov à leur poser des questions supplémentaires auxquelles ils n'ont répondu que partiellement.

En réalité, quels bâtiments ont trouvé les experts à la pointe Denta au moment de leur visite, c'est-à-dire, il faut le souligner, en janvier 1949, et non en octobre 1946 ?

D'une part « un vieux bâtiment à toit » disent les experts, d'autre part, pour reprendre leurs propres termes « une seconde maison beaucoup plus importante que la précédente et qui pourrait être utilisée comme cantonnement est située plus haut sur la pente ».

Les experts n'ont pas visité cette maison. Pour expliquer cette abstention, ils indiquent dans leur réponse aux questions de M. le Juge Krylov que « les constatations faites quant à l'existence d'un poste d'observation leur paraissent suffire aux fins de leur enquête ».

Cette explication traduit de la part des experts une idée préconçue, car « l'existence d'un poste d'observation » en 1946 n'a jamais été établie, et il appartient à la Cour seule de tirer des conclusions de leurs constatations.

Les experts pourraient peut-être d'ailleurs préciser à la Cour qu'ils n'ont pas visité cette maison, distante seulement de quelques centaines de mètres, parce qu'ils ont constaté qu'il s'agissait d'un bâtiment en construction et que des ouvriers étaient encore occupés à ce travail.

Quant au « vieux bâtiment », dans leur réponse aux questions de M. le Juge Krylov, les experts en précisent les dimensions très exigües. Cette description ne correspond nullement à celle d'un bâtiment militaire. Il s'agit en réalité d'un abri, sans fenêtre, sans véritable porte (une simple ouverture dans une des façades), couvert d'un toit de chaume. Il était utilisé comme écurie pour les mules par les ouvriers occupés à la construction du bâtiment situé plus haut.

Si la Cour le demande, le Gouvernement albanais se tient à sa disposition pour lui communiquer tous documents relatifs à l'époque où a été entreprise l'édification du bâtiment en construction et aux conditions dans lesquelles a été édifiée et utilisée la cabane que les experts considèrent abusivement comme un « poste d'observation ».

Ceci précisé, l'existence à la pointe Denta d'une ligne de tranchées et de postes de mitrailleuses s'explique par la présence en Albanie pendant plusieurs années des troupes italiennes. Celles-ci disposaient d'effectifs suffisants pour occuper la côte plus complètement que les quelques soldats affectés en 1946 à la défense albanaise dans la région de Saranda. Les experts admettent d'ailleurs que les tranchées et les emplacements pour mitrailleuses ont été construits par les Italiens. Leurs constatations n'établissent pas que ces défenses aient été utilisées postérieurement au départ des troupes italiennes.

Les tranchées figurant sur les cartes britanniques : leur existence n'a jamais été contestée.

Des feux ont pu être allumés et un journal laissé dans une tranchée, en septembre 1948, soit par des bergers, soit par des ouvriers qui travaillaient à cette époque et continuaient à travailler au moment de la visite des experts à la construction d'un bâtiment.

Tout cela ne prouve nullement l'existence, à cet endroit d'un poste d'observation en 1946.

Tout au plus pourrait-on en conclure qu'on aurait pu établir un poste d'observation à cet endroit.

Mais il y a certainement beaucoup d'endroits le long de la côte albanaise où il y a de vieux journaux, des traces de feu, une chaumière servant d'abri pour des mules et pas de poste militaire.

La preuve de l'existence d'un poste de garde au cap Denta en 1946 ne saurait davantage être tirée du fait que cet emplacement aurait constitué, selon l'expression des experts, « un endroit tout indiqué pour un poste d'observation ».

Il faut se rappeler que la défense côtière albanaise disposait d'effectifs, d'armement et de moyens techniques très réduits.

Compte tenu de ces effectifs et de ces moyens, les dispositions prises apparaissent normales : en dehors du poste central de Saranda et de la batterie de Baladha, un poste au cap Kiephali pour couvrir la baie au nord, et un poste au sud du secteur de Saranda pour couvrir le détroit, au monastère St-Georges où se trouvait déjà un bâtiment utilisable.

Un poste supplémentaire à la pointe Denta n'aurait pu être envisagé que si l'on avait eu d'autres effectifs et d'autres moyens disponibles, ce qui n'était pas le cas et était par surcroît inutile. En effet, ainsi que les experts l'ont indiqué en répondant à la deuxième question de M. le Juge Zoričić, les trois postes d'observations existant (Kiephali, Saranda, St-Georges) permettent d'observer l'ensemble du détroit et de la baie.

Encore se serait-on heurté à une difficulté : le cap Denta n'est accessible que par la mer, en débarquant sur une plage. Un poste établi au cap Denta aurait donc dû être ravitaillé et relevé par mer ; il risquait d'être coupé en cas de mauvais temps empêchant de débarquer sur une plage, puisqu'il n'y a à cet endroit ni quai ni débarcadère.

L'intérêt d'avoir un poste supplémentaire à Denta n'est apparu aux autorités albanaises que lorsqu'elles ont su qu'un mouillage de mines avait pu être effectué dans le Détroit de Corfou sans attirer l'attention des gardes-côtes, ce qui explique la décision prise ultérieurement de faire construire un bâtiment à cet endroit.

Si, comme le prétendent les experts, un poste de veille ou de garde avait été « maintenu au cap Denta jusqu'au 11 septembre 1948 », il serait invraisemblable que les autorités albanaises n'aient pas fait tracer un chemin pour en permettre l'accès par la route, alors que l'accès par la mer en aurait été toujours compliqué et impossible en cas de mauvais temps.

Il serait invraisemblable qu'une ligne téléphonique fixe, analogue à celle qui existe au monastère Saint-Georges, n'ait pas été installée pour relier à Saranda le poste supposé de Denta, qui sans cela n'aurait pu communiquer ses observations au poste central qu'au hasard des liaisons par mer. Et les experts n'auraient pas manqué de signaler cette ligne.

Il serait encore plus invraisemblable que lesdites autorités aient supprimé ce poste au moment même où elles faisaient construire un bâtiment à cet endroit.

En résumé, les constatations des experts ne permettent en aucune manière, sans recourir à une interprétation tendancieuse, de mettre en doute la sincérité des dépositions du capitaine Shtino et du capitaine Polena qui ont affirmé qu'il n'y avait pas de poste de garde au cap Denta en octobre 1946.

II

Partant de l'hypothèse — inexacte — de l'existence d'un poste de garde ou d'observation au cap Denta en octobre 1946 et d'un service de surveillance attentif et bien organisé, les experts, après avoir procédé à une expérience de visibilité de nuit, en déduisent que, dans des conditions atmosphériques normales pour cette région, « les opérations de mouillages de mines auraient pu être observées de la côte ».

Dans leur réponse aux questions de M. le Juge Krylov, ils précisent ce qu'ils entendent par conditions atmosphériques normales : « nébulosité 3-4/10, bonne visibilité (20 milles), pas de brouillard ni d'averses, légère brise de l'est ».

Mais il résulte des dépositions des témoins albanais qu'aux environs du 20 octobre 1946 le temps était couvert et pluvieux. Les livres de bord des navires britanniques qui se trouvaient à ce moment à Corfou indiquent une nébulosité de 7/10. Les conditions de visibilité étaient donc inférieures à la normale.

D'autre part, le capitaine Ormanov a signalé dans sa déposition devant la Cour (Distr. 435 bis, page 814¹) que d'après le *Mediterranean Pilot*, dans cette région, au mois d'octobre, il y a des chutes de pluies pendant 10 jours.

Rien ne permet donc de présumer que les conditions de visibilité, en octobre 1946, étaient semblables à celles que les experts ont trouvées dans la soirée du 28 janvier 1949.

Rien ne permet de supposer que le mouillage des mines a eu lieu par une nuit claire. Il est au contraire certain que les auteurs d'une pareille opération ont choisi une nuit obscure et un temps nuageux s'ils voulaient procéder en secret.

A ce sujet, l'objection faite par les experts à l'hypothèse d'un mouillage de nuit et tirée de la nécessité de disposer de points de relèvement sur la côte, disparaît du fait qu'il y a dans la baie de Saranda non pas un seul feu comme le croyaient les experts quand ils ont établi leur premier rapport, mais deux feux permettant de prendre des relèvements la nuit.

Les experts indiquent il est vrai qu'il n'a pas été possible d'établir si le feu de Saranda fonctionnait en 1946. Rien ne permet de supposer qu'il ne fonctionnait pas, alors qu'il s'agit d'un feu construit avant la guerre, qui n'a pas été détruit au cours des opérations de guerre, qui était signalé en 1946 par les Instructions nautiques et le Livre des Phares et qui continue à être éclairé.

Ainsi, même s'il y avait eu un poste de garde au cap Denta, les mines auraient pu être posées de nuit sans que l'opération fût aperçue par des gardes-côtes dont il est permis d'ailleurs de supposer qu'en temps de paix ils n'étaient pas continuellement en état d'alerte, occupés à scruter l'obscurité avec des jumelles.

Mais, en fait, les témoins ont affirmé, et rien ne permet de les contredire, qu'il n'y avait pas de poste d'observation au cap Denta.

¹ Voir vol. IV, p. 331.

Or, dans leurs réponses aux questions des membres de la Cour, les experts indiquent plusieurs façons dont les mines ont pu être posées.

L'une de ces façons (traduction française p. 6, façon de procéder III au mouillage des mines en partant du nord) permettait de procéder à l'opération même dans les conditions de visibilité envisagées par les experts, sans être vu ni du monastère St-Georges, ni du cap Kiephali, mais seulement de la pointe Denta où il n'y avait pas de poste.

Des navires, même provenant du sud, auraient pu procéder ainsi en contournant l'île de Corfou pour éviter de passer devant le monastère St-Georges.

Rappelons d'ailleurs que dans l'hypothèse d'un mouillage secret, les navires pouvaient dans une certaine mesure prendre le risque d'être vus, puisque de toutes façons la défense côtière albanaise ne disposait d'aucun moyen pour les identifier et les arrêter.

III

Les vérifications sur place des experts ne permettent pas davantage d'établir qu'une opération de mouillage de mines aurait été nécessairement entendue de la côte.

Les experts signalent que le bruit du moteur de leur bateau a été entendu du monastère St-Georges à une distance de 1.800 mètres. Cette observation n'est pas pertinente, car le bateau utilisé par les experts était mu par un moteur à explosion à deux temps, bruyant comme tous les moteurs à explosion (dans l'espèce il s'agissait d'un moteur Bolinder connu comme particulièrement bruyant).

Au contraire, les navires normalement utilisés pour les mouillages de mines sont des navires à vapeur, par suite silencieux, et qui n'émettent pas de fumée en usage normal.

Dans leurs réponses à M. le Juge Eçer, les experts reconnaissent d'ailleurs que les observations faites par eux à Saranda n'apportent aucun élément susceptible de modifier, au point de vue de l'audibilité, celles consignées dans leur premier rapport, dont nous rappelons les résultats : le bruit des rails serait perceptible faiblement jusqu'à 1200 mètres environ, celui causé par l'immersion des mines jusqu'à 650 mètres environ.

Mais, pour apprécier ces indications, ainsi que l'ont signalé au cours des débats les conseils du Gouvernement albanais, il faut tenir compte des circonstances suivantes afin de les corriger :

a) Aucune précaution ne paraît avoir été prise par les experts au cours de leur expérience pour réduire le bruit du glissement de la mine sur le rail.

b) L'expérience a été faite à bord d'un navire et non à terre. Les experts signalent que dans ces conditions « l'écho provenant des bâtiments et celui des collines derrière les mouilleurs de mines a probablement renforcé la perceptibilité ». En outre, en procédant comme ils l'ont fait, les experts ont éliminé une cause susceptible de rendre la perception plus difficile, le bruit du ressac sur une côte rocheuse.

c) L'expérience a été faite par les experts avec un vent portant les bruits vers l'observateur, alors qu'à Saranda, à l'époque envisagée, et la nuit, le vent soufflait probablement de la terre, ce qui évidemment change tout.

Compte tenu de ces éléments de correction, il faut admettre la possibilité de procéder à un mouillage de mines à 500 mètres sans être entendu de la côte. Il faut d'autre part considérer que les bruits causés par une opération de cette nature, même s'ils avaient été perceptibles, n'auraient pas obligatoirement éveillé l'attention d'un auditeur non averti. Il faut enfin tenir compte du fait que deux mines seulement se trouvaient à moins de 800 mètres de la côte.

Les experts concèdent d'ailleurs dans leurs réponses aux questions des membres de la Cour que, « vu l'insuffisance des renseignements touchant les conditions dans lesquelles les mines ont été posées, il n'était pas possible de donner une réponse précise sur la possibilité d'entendre l'opération de mouillage ».

On peut cependant être surpris que les experts, préjugant de l'opinion de la Cour sur la visibilité de l'opération, n'aient pas cru devoir donner l'avis qui leur était demandé par M. le Juge Ečer sur « les objections faites par M. Cot à leur rapport du 8 janvier 1949 en ce qui concerne l'audibilité de l'opération ».

Conclusion

Les vérifications effectuées par les experts de la Cour à Saranda laissent entière la démonstration apportée par les conseils du Gouvernement albanais et admise implicitement, semble-t-il, par sir Frank Soskice dans sa plaidoirie : des mines ont pu être mouillées dans le Détroit de Corfou en octobre 1946 sans que l'opération ait été vue ou entendue de la côte.

Paris, le 17 février 1949.

L'Agent du Gouvernement albanais,
(Signé) BEHAR SHTYLLA.

SECTION III

DOCUMENTS SUBMITTED JOINTLY BY THE PARTIES DURING THE HEARINGS

I. QUESTIONNAIRE PREPARED BY M. PIERRE COT AND SIR ERIC BECKETT, AND SUBMITTED TO THE EXPERTS OF THE TWO PARTIES ON NOVEMBER 26th, 1948: HEIGHT OF THE SUN AT SIBENIK ON OCTOBER 17th AND 18th, 1946

A. QUESTIONS

(1) Was there in force at Sibenik on 17th and/or 18th October, 1946, any (and if so what) system of "summer time"? In consequence, what on the said date was the official time kept at Sibenik in relation to G.M.T.?

(2) What was the altitude of the sun at 1615, 1630 and 1645 respectively official time at Sibenik ascertained as in (1)?

(3) What, according to nautical tables, was the time of sunset by official time at Sibenik and what was the end of civil twilight by official time as ascertained in (1) at Sibenik on the 17th and 18th October, 1946?

(4) What was the azimuth (true bearing) of the sun at 1615, 1630 and 1645 official time as ascertained in (1) at Sibenik on October 17th and 18th, 1946?

(5) Can the experts prepare an agreed diagram showing changes from 1615 to 1645 in the sun's azimuth and altitude in relation to skyline so as to show at what point or points shadows would be cast on the jetty where mines were being loaded?

(6) Assuming that Commander Kovacic was on board a motor launch which travelled at a speed of 5 knots, for how long a period:

(a) would vessels alongside the jetty in Panikovac Cove be visible in the sense that the view was not obscured by any land;

(b) would any part of the jetty at Panikovac Cove be in a direct line between the observer and the sun on the following courses:

(i) on the course marked on the sketch by Commander Kovacic and handed in to the Court;

(ii) on a course which would follow a straight line between Kulina Point and Molo Krka;

(iii) on a direct course from Fornaza Works to Molo Krka.

(7) What (was) on each of the three courses mentioned in Question (6) would be the distance between the jetty at Panikovac Cove and the nearest point from which the jetty would be visible on that course?

(8) What were the angles between the sun in Panikovac Cove jetty on the mean of the three courses given in Question (6) above:

(a) when the jetty first became visible;

(b) when the jetty ceased to be visible?

B. CONDITIONS

It is agreed that the experts shall endeavour to produce agreed answers to all the above questions. If they are not able to agree on answers to all the questions, they will produce agreed answers to as many of the questions as they can. If there are any questions on which they are not able to produce agreed answers, there shall be included in the report the separate answers which the experts on either side propose.

It is agreed that the experts shall present their report to their Delegations as soon as possible and in any case not later than Saturday, 27th November, 6 p.m.

The experts for the United Kingdom will be Commander Sworder and Lt.-Commander Lankester and Lt. Godsall, and for Albania, Admiral Moullec and Captain Ormanov.

(Signed) PIERRE COT.

(Signed) W. E. BECKETT.

2. REPLIES ESTABLISHED JOINTLY BY THE PARTIES TO THE QUESTIONNAIRE PREPARED BY M. PIERRE COT AND SIR ERIC BECKETT, AND SUBMITTED TO THE EXPERTS OF THE TWO PARTIES (NOVEMBER 27th, 1948)

AGREED ANSWERS TO QUESTIONS IN CONNEXION WITH STATE OF SUN AT SIBENIK ON 17th/18th OCTOBER, 1946

(1) Summer time was not in force on 17th/18th October, 1946, at Sibenik. The official time kept was one hour in advance of G.M.T.

(2) The altitude of the sun at the various times is agreed as follows:

17th October	1615	8° 57'	18th October	8° 39'
	1630	6° 29'		6° 11'
	1645	3° 56'		3° 38'

(3) Time of sunset by official time at Sibenik was on the 17th October 1711 and on the 18th October 1710. End of civil twilight was on 17th October 1741 and on 18th October 1739.

(4) The azimuth (true bearing) of the sun at the various times quoted was as follows:

17th/18th October	
1615	248°
1630	251°
1645	253½°

(5) Two diagrams, in original only, Appendices "A" and "B" are submitted to show the time at which a shadow would have been cast on to a jetty where mines were being loaded.

Appendix "A" attached to the copy of the report submitted to the United Kingdom Delegation is based on Admiralty Chart 1581 and shows this time to have been 1631.

Appendix "B" attached to the copy of the report submitted to the Albanian Delegation was prepared by the Yugoslav Hydrographic

Institute and shows that the shadow would have been cast when the sun had an altitude of about 8° which occurred at about 1620.

Both these times can only be considered approximate :

- (a) "1631" because Appendix "A" is based on incomplete and inexact data
 - (b) "1620" because we are unable to check Appendix "B" not having the data on which it was based.
- (6) (a) Vessels alongside the jetty in Panikovac Cove would be visible from Commander Kovacic's launch (assuming a speed of 5 knots) for the following periods on each of the three courses :
- (i) 2 minutes 38 seconds
 - (ii) 2 minutes 38 seconds
 - (iii) 3 minutes 58 seconds.
- (b) Part of the jetty at Panikovac Cove would be in a direct line between the observer and the sun on each of the three courses for a short period not more than 5 seconds.
- (7) The distance between the jetty at Panikovac Cove and the nearest points from which the jetty would be visible on each course are as follows :

- (1) 2.5 cables = 500 yards
- (2) 2.9 cables = 580 yards
- (3) 3.9 cables = 780 yards.

(8) For the purpose of answering this only question it was agreed to assume that if the motor launch in which Commander Kovacic was travelling first sighted Panikovac Cove at 1620,

- (a) the angle between the sun and Panikovac Cove when the jetty first became visible was 29° to the right of the sun,
- (b) when the jetty ceased to be visible was 12° to the left of the sun.

If, however, the time of first sighting Panikovac Cove had been 1645 (a) would be $24 \frac{1}{2}^\circ$ and (b) would be $16 \frac{1}{2}^\circ$.

Signed on behalf of the members of the technical Naval Experts Committee.

(Signed) MOULLEC,
Rear-Admiral (Rtd.),
Counsel & Naval expert
to the Albanian Delegation.

(Signed) E. R. D. SWORDER,
Commander R.N.V.R.,
Naval representative to
the United Kingdom Delegation.

Appendices A and B

TWO DIAGRAMS SHOWING THE MOMENT WHEN A SHADOW WOULD HAVE
FALLEN ON THE JETTY WHERE THE MINES WERE BEING LOADED

[See special volume.]

Appendix C

SKETCH OF THE ENVIRONS OF SIBENIK SHOWING NEAREST POINTS FROM WHICH THE JETTY WOULD HAVE BEEN VISIBLE DURING THE JOURNEY OF THE MOTOR-BOAT THAT LIEUTENANT-COMMANDER KOVACIC WAS IN (THREE POSSIBLE ROUTES ARE GIVEN IN THE QUESTIONNAIRE)

[See special volume.]

3. JOINT NOTE OF UNITED KINGDOM AND ALBANIAN EXPERTS ON THE QUESTION PUT BY JUDGE EČER TO THE MIXED COMMISSION OF EXPERTS ON NOVEMBER 30th, 1948

There are two points raised by these questions.

Firstly, was there sufficient light at 17.35 for Commander Kovacic to see the ships lying in Panikovac Cove.

Secondly, if there was sufficient light, would his view have been obstructed by land.

Since this question was raised, further documents have been presented for examination by the Naval experts on both sides and these are now submitted to the Court.

Documents submitted by the United Kingdom Delegation :

1. U.S. Army map of Sibenik, Yugoslavia. Scale 1 : 50,000.
2. Admiralty Chart No. 1581. Approaches to Port Sibenik.
3. Aerial photograph No. 4025 of Sibenik and Panikovac Cove.
4. Page of illustrated paper showing, in bottom left-hand corner, view from house to seawards, near where Keric lived.
5. Tracing of plan on Yugoslav diagram "Kroki Uvale Panikovac". No. 1 Document submitted by Albanian Delegation.
6. Telegram received by United Kingdom Delegation reporting meteorological bulletins issued by Sibenik on 17th, 18th October, 1946.

Documents submitted by the Albanian Delegation :

1. Yugoslav diagram, Kroki Uvale Panikovac, dated 20th November, 1946, showing :
 - (a) angle of sun at 8° over Panikovac Cove ; Scale 1 : 1000.
 - (b) plan of Panikovac Cove. Scale 1 : 2,500.
2. Photographs I to III, Panikovac Cove and environs.
3. Photographs IV and V, Panikovac Cove from Sibenik.
4. Yugoslav map of Sibenik town.

