



# NUREMBERG TRIALS AND ITS IMPACT ON INTERNATIONAL CRIMINAL LAW

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## 1. *Introduction*

Germany had terrible losses after the First World War and was compelled to sign the Treaty of Versailles. According to the treaty they had to obey strict conditions.

- Pay compensation to the allied countries for the damages caused.
- Germany lost its overseas territories.
- Germany was demilitarised and weakened its power by the allies
- Thus Germany was subjected to national humiliation and economic collapse. The Weimar Republic lasted from 1919 to 1933 and the above problems activated the collapse of the democratic government. This paved the way for the Nazi rule

In 1929 there was an economic crisis called the Great Depression in Germany. This helped Adolf Hitler to emerge as a strong leader of Germany who promised to create a strong Germany. They falsely declared that Jews and communists were to blame for the pathetic situation in Germany. Hitler wanted him to be appointed as the German Chancellor and President Hindenburg appointed Hitler as Chancellor on compulsion on January 30, 1933. When President Hindenburg died, Hitler proclaimed himself the Fuhrer (leader) of Germany and became a dictator.

Adolf Hitler and his Nazi Government began implementing policies designed to prosecute German-Jewish people and other perceived enemies of the Nazi State. Over the next decade, these policies grew increasingly repressive and violent and resulted in state-sponsored murder. This was known as the Holocaust (1933-1945) Nazi Rule in Germany was thrown away by World War II and it was a great leap towards the development of international criminal law. The cruelties committed by the Nazi regime towards the Jewish People had crossed all the limits and shaken the human conscience. It was highly necessary to fix the criminal responsibility for the heinous crimes committed by the Nazis by creating a new charter of law. The Second World War was a global conflict that lasted from 1939 to 1945. The causes of war are debated which comprises fascism in Europe, the Spanish Civil War, the Sino-Japanese War, Soviet-Japanese border conflicts, etc. World War II begins 1st September 1939 with the attack on Poland by Adolf Hitler. The Vast majority of the World's countries fought as part of two opposing military alliances but the Allied forces were defeated. Allied forces: United Kingdom, United States, Soviet Union, and China. Axis forces: Berlin, Germany, Japan, and Italy. A large number of millions of people died due to genocides, starvation, massacres, and diseases

## 2. Nuremberg trial and International Military Tribunal

The Allied forces held the Nuremberg trials against representations of the defeated Nazi Germany for plotting and carrying out invasions of other countries and atrocities against their citizens in World War II. The Soviet Union wanted a show trial to punish Nazi leaders because there were 27 million deaths in the Soviet Union alone. But the defeat of Germany was followed by the suicide of Adolf Hitler. France, the Soviet Union, the United Kingdom, and the United States decided to convene a joint tribunal in Nuremberg, occupying Germany with the Nuremberg Charter as its legal instrument and trial was conducted between 20th November 1945 and 1st October 1946. The International Military Tribunal (IMT) tried two of the most important surviving leaders of Nazi Germany in the political military and economic spheres as well as six German organisations. The purpose of the trial was not just to convict the defendants but also to assemble irrefutable evidence of Nazi Crimes, teach a history lesson to the defeated Germans, and de-legitimize the traditional German elite. The IMT verdict followed the prosecutions in declaring the crime of

plotting and waging aggressive war “the supreme international crime” because “it contains within itself the accumulated evil of the whole” Most of the defendants charged with war crimes, crimes against humanity, and murder of Jews in the Holocaust.

### 3. Nuremberg Charter

The offenses that would be prosecuted were crimes against peace, crimes against humanity, and war crimes.

**Article 1:** There shall be established after consultation with the control council of Germany as an International Military Tribunal for the trial of war criminals whose offences have no particular geographical location whether they be accused individually or in their capacity as members of an organisation or groups or in both capacities.

**Article 2:** The consultation, jurisdiction and functions of the International Military Tribunal shall be those set in the charter annexed to this agreement.

**Article 3:** Each of the signatories shall take the necessary steps to make available for the investigation of the charges and trial of the major war criminals detained by them who are to be tried by the International Military Tribunal.

The trial was decided at the London Conference by the representatives of France United Kingdom, the US, Soviet Union.

### 4. Important provisions - Character of International Military Tribunal

Article 1 of the London Agreement of 8<sup>th</sup> August 1948 provided for the creation of an international military tribunal “for the trial of war criminals whose offences have no particular geographical location”. These major war criminals were to be tried based on the IMT charter, which was included as an appendix to the agreement. The trial before the IMT started on 20<sup>th</sup> November 1945, and the court announced its judgments on 30<sup>th</sup> September and 1<sup>st</sup> October 1946

**Article 6:** Crimes against peace; war crimes, crimes against humanity, only if committed in connection to crimes against peace or war crimes. The domestic legality of crime does not prevent its prosecution under international law.

**Article 7:** Perpetrator’s official capacity does not bar punishment. No immunity

**Article 10:** Punishment of crimes committed in the name of certain organizations and punishment of membership in organizations whose criminal character was to be determined by the IMT.

**The IMT charter can be considered the birth certificate of international criminal law. The charter’s main statement was that crimes against peace war crimes and crimes against humanity entail individual responsibility under international law.** The judgment says “Crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced”.

### 5. Nuremberg Trial and its Criticism

The Allies first exposed their intention of punishing Nazis for war crimes in the 1943 Moscow Declaration. Winston Churchill seemed to have preferred swift justice by simply executing the war criminals who ought to be branded as world outlaws and shot dead without following the due course of law. Churchill was later persuaded by the United States that it would be in everyone’s best interest if the war criminals were to be tried rather than summarily executed. Thus, the right decision was taken by France, the USA, the UK, and the Soviet Union to adopt the London Agreement which created the Nuremberg Tribunal in 1945

**If they were summarily executed there would not be an international criminal law. Such prosecution resulted in a historical reward for the mass atrocities and the procedure for establishing international courts**

The first and foremost criticism is the violation of the principle of non-retro-activity as crimes against peace had not been declared criminal at the time of their commission.

The Nuremberg Charter can also be criticised for being overly superficial regarding procedural safeguards available to the accused. The safeguards available before the tribunal were found to be lagging Article 16 of the charter did guarantee legal representation of the accused but it is not often fulfilled.

Regarding that trial U.S. Chief Prosecutor, Robert H Jackson remarked as follows.

“The future will never have to ask with misgiving, what could the Nazis have said in their favour. History will know that whatever could be said, they were allowed to say. They have been given the kind of trial which they in the day of their pomp and power never gave to any man.”

## 6. Conclusion

After 216 court sessions on October 1, 1946, the verdict on 22 of the original 24 defendants was handed down. The indictment was furnished to them before 30 days. During the final trial, they were not allowed to make statements. But they have to either plead guilty or not guilty. As discussed earlier, the International Military Tribunal (IMT) announced its verdict. It imposed death sentences on 12 defendants, three of whom were sentenced to life imprisonment, and four of whom received prison terms ranging from 10 to 20 years. The court acquitted three defendants, and 10 defendants were hanged. So the Nuremberg Trial occupies an important place in the history of war crimes.

Thus the Nuremberg trials held the individuals accountable for the war crimes even if he was the head of the state. It exposed the cruelties of the Nazi Government and defined terms like war crimes, crimes against humanity, or peace. Nuremberg Trial and International Military Tribunal became a model for future international tribunals with a procedure and finally led to the International Criminal Court based on the Rome Statute. So it is reasonable to call it the birth certificate of International Criminal Law.

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