

Preliminaries

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Immediately after the outbreak of World War II, the Allies began to publish official notes, warnings, and declarations stressing the responsibility of the Nazi regime for criminal acts.

On October 25, 1941, FDR stated that "the Nazi treatment of civilian population revolts the world," while Churchill declared that "retribution for these crimes must henceforward take its place among the major purposes of the war."

On Jan. 13, 1942, the "**St. James Declaration**" was issued in London in which the representatives of governments-in-exile – of Belgium, Netherlands, Yugoslavia, Norway, Greece, Luxembourg, Poland, Czechoslovakia, and the Free French – declared that the punishment of criminal acts by the Germans against civilian populations was among their principal war aims.

On November 1, 1943, Britain, the United States, and the Soviet Union published the **Moscow Declaration** solemnly committing themselves to the punishment of those responsible for war crimes.

In October, the United Nations **War Crimes Commission (UNWCC)** was constituted to investigate the atrocities and record the names of the individuals responsible.

As the war was ending, FDR was at first convinced by Morgenthau that the top Nazi leaders should be summarily shot once caught. At the Quebec Conference in September 1944, Churchill also supported this approach. A list of 2,500 "archcriminals" set for execution by military firing squad was created. Stimson strongly argued, however, for holding trials. After a great deal of intracabinet dueling, Roosevelt eventually sided with Stimson. Murray Bernays, a young lawyer in Stimson's office, came up with the idea of putting on trial not just individuals but also Nazi organizations, using the Anglo-American legal doctrine of conspiracy liability.

At Yalta FDR Roosevelt proposed that an international tribunal should be convened to try Nazi leaders for planning and waging a war of aggression and for war crimes. Stalin wanted to confine the process to crimes committed in war.

These activities culminated in the **London Agreement of August 8, 1945 under which** the United States, Britain, the Soviet Union and France wrote a charter for an **Allied War Crimes Commission and established the International Military Tribunal**. The legal basis came from the 'Instrument of Surrender of Germany' which had transferred sovereign political authority over Germany to the Allied Control Council.

- The London Charter restricted the first trials to major war criminals from the Axis nations and only on and after Sept. 1, [1939](#). Therefore, allegations of Allied war crimes could not be heard.
- Hersch Lauterpacht, a British Jewish law professor, defined the three crimes in the London Charter: crimes against peace, war crimes, and crimes against humanity. They became part of the "**Nuremberg principles**" adopted in 1950 by the [International Law Commission](#) of the [United Nations](#).

Trials in Allied Military Tribunals

Nazi war crime trials began during World War II itself in the liberated territories of the Soviet Union. The trial began in July 1943 and dealt with actions committed by the German invaders in the a city in northern Caucasus. Eleven were accused and eight were sentenced to death. The second trial dealt with annihilation of civilian and prisoners of war in the Ukraine. Three Germans SS men and a Russian collaborator were hanged.

The **Nuremberg Trials** were a series of military [tribunals](#) in [Nuremberg's Palace of Justice](#). The first and best known was before the International Military Tribunal (**IMT**). Truman named Supreme Court Justice Robert Jackson, who took leave from the Court, as the chief American prosecutor. The move was virtually unprecedented and it enhanced the stature of all that was to follow.

The city of Nuremberg was chosen for the trials because it had witnessed the infamous [Nazi Party](#) rallies and by holding the trials there, it would emphasise the party's end. Also the large Palace of Justice had been largely undamaged by Allied [bombing](#) and it contained a large prison within its complex.

Among the accused were Nazi leaders [Hermann Göring](#) and [Rudolf Hess](#), the [diplomat Joachim von Ribbentrop](#), the [munitions maker Gustav Krupp von Bohlen und Halbach](#), [Marshal Wilhelm Keitel](#), Grand [Admiral Erich Raeder](#) and 18 other [military leaders](#) and civilian [officials](#). Seven organizations were also charged as [criminal](#), including the SS ([Schutzstaffel](#), *Defense Corps*), the [Gestapo](#) ([Geheime Staatspolizei](#), *Secret State Police*), and the SA ([Sturmabteilung](#), *Storm Troops*), as well as the [General Staff](#) and [High Command](#) of the German [armed forces](#).

The initial trials were held from November 20, 1945 to October 1, 1946.

Among notable features was its conclusion that to plan or instigate an aggressive war is a crime under the principles of international law. With respect to war crimes and crimes against humanity, the tribunal found overwhelming evidence of a systematic rule of [violence](#), brutality, and [terrorism](#) by the German government in the [territories](#) occupied by its forces. Millions of persons were destroyed in [concentration camps](#) and at least 5 million persons had been forcibly deported from their homes for slave labor to Germany, where many died because of [inhumane](#) treatment. The tribunal also found that atrocities had been committed on a large scale and as a matter of official policy.

Twelve were sentenced to death, seven received prison sentences, and three were acquitted. The death sentences were carried out by hanging a year later on October 16, 1946 except for those of Goering, who took poison before he could be executed and Hitler's private secretary Martin Bormann, tried in absentia and never found.) The bodies were incinerated in a crematorium in Munich, and the ashes scattered over the river [Isar](#). Those sentenced to incarceration were transferred to [Spandau Prison](#) in 1947; it was demolished in 1987 after the death of its last prisoner, Hitler's Nazi deputy [Rudolf Hess](#), to prevent it from becoming a [neo-Nazi](#) shrine.

Of the seven indicted organizations, the tribunal declared criminal the [Leadership Corps](#) of the [National Socialist Party](#), the SS, the SD ([Sicherheitsdienst](#), *Security Service*), and the Gestapo.

The 12 Trials

The second set of 12 trials -- against important Nazis responsible for serious Nazi crimes -- were conducted in 1946–49 before U.S. military courts, not before the [International Military Tribunal](#), but took place in the same rooms at the [Palace of Justice](#). The 12 are collectively known as the "[Subsequent Nuremberg Trials](#)."

These "Nuremberg Military Tribunals" were:

1. The Medical Case, November 21, 1946–August 20, 1947
2. The Milch Case, December 20, 1946–April 17, 1947
3. The Justice Case, February 17–December 4, 1947
4. The Pohl Case, March 10–November 3, 1947
5. The Flick Case, April 19–December 22, 1947
6. The I.G. Farben Case, August 14, 1947–July 30, 1948
7. The Hostage Case, July 8, 1947–February 19, 1948
8. The RUSHA Case, October 10, 1947–March 10, 1948
9. The *Einsatzgruppen* Case, July 3, 1947–April 10, 1948
10. The Krupp Case, September 17, 1947–April 10, 1948
11. The Ministry Case, November 15, 1947–April 14, 1949
12. The High Command Case, December 30, 1947–October 28, 1948

One hundred seventy-seven Nazis were tried and convicted in these twelve trials. Of these, 12 were sentenced to death, 25 to life imprisonment, and the remainder to long prison terms. Those directly involved in the killing – doctors, concentration camp heads, death-squad officers – received the most severe sentences.

The film “Judgment at Nurnberg” with Spencer Tracy was inspired by the third one, the Justice Case or [Judges' Trial](#), in which four of the defendants were sentenced to [life in prison](#).

Other Trials

It is impossible to establish exactly the number of German war criminals. One ordinarily thinks of two main groups of criminals: the instigators, planners, and commanders, and the actual implementers – many hundreds in all. But a wider circle was involved, including those who engineered the gas chambers and those who built the the camps. And the corporations that invested in the camps, and used slave laborers and worked them to death – hundreds of thousands –including doctors, lawyers, judges. And this does not include many tens of thousands of collaborators in occupied countries.

The United Nations War Crimes Commission prepared 80 lists of war criminals comprising 36,529 names (including Japanese). It published partial statistics on the period until March 1, 1948. The authorities of the United States, Great Britain, France, Greece, Netherlands, Norway, Poland, and Yugoslavia conducted 969 trials and tried 3,470 German defendants; 952 received death sentences; 1,905 were sentenced to varying prison terms, and 613 were acquitted.

The total number of Nazi criminals convicted in the three Western occupation zones between 1945 and 1949 was 5,025, of whom 806 were sentenced to death; 486 death sentences were carried out; the remainder were commuted to prison terms.

At Dachau, 1,517 of the 1,941 defendants were found guilty; 324 were sentenced to death, and 278 of these sentences were carried out.

In the British Occupation Zone, 1,085 defendants were tried before military tribunals and 240 were sentenced to death.

In the French Zone, 2,107 defendants were tried and 104 sentenced to death.

Figures are not available for the trials of Nazis in the Soviet Occupation Zone. It is assumed that tens of thousands of Germans were tried, convicted and and deported to Soviet territories to serve their sentences.

In Japan after V-J Day General MacArthur set up an Army commission to try war criminals. The Allied powers indicted 25 individuals as [Class-A war criminals](#), and 5,700 individuals were indicted as Class-B or Class-C war criminals. Of these, 984 were initially condemned to death, 920 were actually executed, 475 received life sentences, 2,944 received some prison terms, 1,018 were acquitted, and 279 were not sentenced or not brought to trial.

Hideki Tōjō, a [general](#), a leader of a key fascist party and prime minister from Pearl Harbor through most of World War II, was convicted of war crimes and hanged in 1948. Emperor Hirohito and all members of the imperial family implicated in the war were exonerated from criminal prosecutions by MacArthur,

The Class-A charges were all tried by the [International Military Tribunal for the Far East](#), also known as "the Tokyo Trials". Other courts were formed in many different places in Asia and the Pacific by the [United States](#), the [United Kingdom](#), [China](#), the [USSR](#), [Australia](#), [New Zealand](#), [Canada](#), [France](#), the [Netherlands](#), and the [Philippines](#).

Amnesty

In 1950, after most Allied war crimes trials had ended, thousands of convicted war criminals sat in prisons across Asia and across Europe, detained in the countries where they were convicted. Some executions were still outstanding as many Allied courts agreed to reexamine their verdicts, reducing sentences in some cases and instituting a system of parole.

An intense and broadly supported campaign for amnesty for all imprisoned war criminals ensued (more aggressively in Germany than in Japan at first), as attention turned and towards the majority of "ordinary" war criminals.

One author, Jeffrey Herf, writes in the New Republic that "the judicial reckoning of the Allies after the war was harsher and more extensive than is often assumed." He notes that in "Nazi Past: The Politics of Amnesty and Integration," German historian Norbert Frei shows that from 1949 to 1954, when democratically elected German politicians first had a chance to act, they passed "a series of parliamentary initiatives, legislative acts, and administrative decisions aimed at its vitiation." At stake was "both an annulment of punishments and integrative measures on behalf of an army of millions of Nazi Party members," Frei writes. "Virtually without exception, these people regained their social, professional, and civic, but not their political status" while an increasingly small group of ideologically committed Nazis and individuals whose deeds were especially monstrous and widely known were declared beyond the pale.

The West Germans invented a new word for such people: Entnazifizierungsgeschdigten or "those damaged by denazification." The term included tens of thousands of persons formerly interned in American, British, and French prisons between 1945 and 1949, when the West German state was founded. Most of them were war criminals indicted and convicted by the Western Allies, along with Nazi criminals condemned in German courts. Judged by their reaction to these measures, other West Germans felt a general burden of wartime guilt lifted, and so, writes Frei, "those who had never personally been held accountable could consider themselves symbolically exonerated." The result was "a triumph of silence," which was broken in waves from the 1960s to the 1990s.

Frei skillfully details the actions, public and private, of an amnesty lobby composed of leading religious figures, a network of attorneys, and former soldiers and officials of the Nazi regime, as well as the response of political parties, government officials, and the media.

As of January 31, 1951, the amnesty legislation had benefited 792,176 people. They included people with six-month sentences, but also about 35,000 people with sentences of up to one year who were released on parole. Frei specifies that these figures include a bit more than 3,000 functionaries of the SA, the SS, and the Nazi Party who participated in dragging victims to jails and camps; 20,000 other Nazi perpetrators sentenced for "deeds against life" (presumably murder); 30,000 sentenced for causing bodily injury, and about 5,200 charged with "crimes and misdemeanors in office."

On March 7, 1950, MacArthur issued a directive that reduced the sentences by one-third for good behavior and authorized the parole after 15 years for those who had received life sentences after fifteen years. On September 4, 1952, President [Truman](#) established a Clemency and Parole Board for War Criminals. On May 26, 1954, Secretary of State [John Foster Dulles](#) reduced the period required for eligibility for parole from 15 years to 10. On April 7, 1957, the Japanese government announced that, with the concurrence of a majority of the powers represented on the war-crimes tribunal, the last ten major Japanese war criminals who had previously been paroled were granted clemency and were to be regarded henceforth as unconditionally free.

Japanese government, while maintaining that Japan violated no international law or treaties, has officially recognised the suffering which the Japanese military caused, and numerous apologies have been issued by the Japanese government. However, the official apologies are widely viewed as inadequate or only a symbolic exchange.

Impact and Aftermath

Before the trials concluded, the political climate changed. The Cold War had begun and both the Americans and the Soviet Union were vying for the esteem of the German people. In January 1951, the U.S. high commissioner for Germany, John J. McCloy, commuted many of the convicted war criminals' sentences. By 1958 nearly all prisoners had been freed.

The Nuremberg trials had a great influence on the development of [international criminal law](#) and served as models for:

- [The Genocide Convention](#), 1948.
- The [Universal Declaration of Human Rights](#), 1948.
- The [Nuremberg Principles](#), 1950.
- [The Convention on the Abolition of the Statute of Limitations on War Crimes and Crimes against Humanity](#), 1968.
- The [Geneva Convention](#) on the Laws and Customs of War, 1949; its supplementary protocols, 1977.

In addition, the **International Criminal Court** is a relatively new permanent [tribunal](#) to prosecute individuals for [genocide](#), [crimes against humanity](#), [war crimes](#) and the [crime of aggression](#) (after 2017). It came into being on 1 July 2002—the date its founding [treaty](#), the [Rome Statute of the International Criminal Court](#), entered into force^[5]—and it can only prosecute crimes committed on or after that date.^[6] The Court's official seat is in [The Hague](#), [Netherlands](#), but its proceedings may take place anywhere.

As of January 2012, 120 states are [states parties to the Statute of the Court](#), including all of South America, nearly all of Europe and roughly half the countries in Africa. A further 32 countries, including [Russia](#), have signed but not [ratified](#) the Rome Statute. Three of these states—Israel, Sudan and the [United States](#)—have "unsigned" the Rome Statute, indicating that they no longer intend to become states parties; 42 nations, including [China](#) and [India](#), have neither signed nor ratified or acceded to the Rome Statute.

The Court can exercise its jurisdiction only when national courts are unwilling or unable to investigate or prosecute such crimes. Primary responsibility to investigate and punish crimes is therefore left to individual states.

To date, the Court has opened investigations into [seven situations in Africa](#): the [Democratic Republic of the Congo](#); [Uganda](#); the Central African Republic; [Darfur, Sudan](#); the [Republic of Kenya](#); the Libyan Arab Jamahiriya and the Republic of Côte d'Ivoire.

It [publicly indicted](#) 27 people, proceedings against 23 of whom are ongoing. The ICC has issued arrest warrants for 18 individuals and summonses to nine others. Five individuals are in custody and are being tried while eight individuals remain at large as fugitives.

Introduction of Extempore Simultaneous Interpretation

The Nuremberg Trials employed four [official languages](#): [English](#), [German](#), [French](#), and [Russian](#). It was feared that consecutive interpretation would slow down the proceedings significantly. An entirely new technique was introduced: extempore simultaneous interpretation. The interpreter listens to a speaker and orally translates that speech into another language, simultaneously, through headsets and microphones. Defendants who did not speak any of the four official languages were provided with consecutive court interpreters.

The best interpreters had not just a perfect understanding of two or more languages, but a broad sense of culture, encyclopædic knowledge, inquisitiveness, and a naturally calm disposition. Many could not handle the pressure or the psychological strain. The translation department was understaffed and overburdened with a flood of documents; interpreters often had to do sight translation or double translation of texts. A number of interpreters protested the use of vulgar language in the proceedings. Yet, despite the extensive trial and error, without the interpretation system the trials would not have been possible and in turn revolutionized the way multilingual issues were addressed in tribunals and conferences.

Other Arch-Criminals

Adolf Otto Eichmann, one of the major organizers of the [Holocaust](#), fled to [Argentina](#), was captured by [Mossad operatives](#) and was tried in Israel on 15 criminal charges, including [crimes against humanity](#) and [war crimes](#). He was found guilty and executed by [hanging](#) in 1962.

Nikolaus 'Klaus' Barbie, was an **SS captain known as the Butcher of Lyon**. Evidence suggests that he personally [tortured](#) prisoners, men, women, and children alike, by breaking extremities, sexual abuse using dogs, and electroshock, among other methods and was directly responsible for the deaths of up to 14,000 people. In 1947, he became an agent [U.S. Army Counter Intelligence Corps](#) (CIC), then fled to [Juan Peron's Argentina](#) and Bolivia where he may have helped the [CIA](#) orchestrate the 1967 capture and execution of [Che Guevara](#). Barbie was identified in 1971 by [Nazi hunters](#) and [extradited](#) to France. In 1987, he was sentenced to [life imprisonment](#) for [crimes against humanity](#), and he died in [jail](#) in Lyon of [leukemia](#) four years later, at the age of 77.

Ivan Demjanjuk, a notorious prison guard at Treblinka and Sobibor known as **Ivan the Terrible**, was born in the Ukraine, emigrated to the United States in 1952 and became an auto worker, was granted citizenship in 1958 and [anglicized](#) his name from "Ivan" to "John". He was [deported](#) to [Israel](#) in 1986 after being identified by Israeli [Holocaust](#) survivors and accused of committing murder and acts of extraordinarily savage violence against camp prisoners. He was convicted in 1988, but the verdict was

overturned by the [Israeli Supreme Court](#) on grounds of possible [mistaken identity](#). Demjanjuk returned to his home in the [Ohio](#) but was charged again in 2001. On April 2, 2009, it was announced that Demjanjuk would be deported to Germany, where he would stand trial. After many court actions, Demjanjuk was deported to Germany. On May 12, 2011, he was convicted as an [accessory](#) to the [murder](#) of 27,900 Jews at Sobibor and sentenced to five years in prison. He was released pending appeal, and at age 91 is now living in a German nursing home. The trial has been criticized for its lack of evidence and lack of specific charges – “not for anything he did, but simply for being at Sobibor.”