



BEHIND THE PICTURES

PART ONE: The International Military Tribunal Held at Nuremberg (1945 – 1946)

The International Military Tribunal held at Nuremberg (IMTN) from 20 November 1945 to 1 October 1946 marked a historic precedent by individually prosecuting and punishing senior government officials for their actions during an aggressive war. Established under an agreement between the Allied powers (the United States of America, Great Britain, the Union of Soviet Socialist Republics, and France), the Tribunal comprised of judges and prosecutors from these four nations.

The IMTN charged 24 high-ranking Nazi officials with three main categories of crimes:

Crimes against peace: Defined as the “planning, preparing, initiating or waging a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.”

War crimes: Encompassing violations of the laws and customs of war, including the murder or ill-treatment of civilians or prisoners of war, the deportation of civilians for slave labour or other purposes, and devastation not justified by military necessity.

Crimes against humanity: Defined as “murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population,” as well as “persecutions on political, racial, or religious grounds in execution of or in connection with” the crime of aggression or war crimes.



The JHGC permanent exhibition contains this image of the defendants in the dock at the International Military Tribunal trial of war criminals at Nuremberg, November 1945.
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“This provision underscored the principle that individuals, regardless of their rank or status, could be held criminally accountable for mass atrocities.”

The Charter of the IMTN established that leaders, organisers, instigators, and accomplices involved in formulating or executing a common plan to commit these crimes were responsible for all acts performed in furtherance of that plan. In a significant departure from traditional international law, the Charter stipulated that the official position of defendants, whether as Heads of State or government officials, would not exempt them from responsibility or mitigate their punishment. This provision underscored the principle that individuals, regardless of their rank or status, could be held criminally accountable for mass atrocities. The IMTN also defined several modes of liability;

Direct perpetration: For those who personally committed the criminal acts.

Command responsibility: Holding military and civilian leaders accountable for crimes committed by their subordinates if they knew or should have known about them and failed to prevent or punish them.

Joint criminal enterprise: Recognising the collective responsibility of individuals working together to execute criminal plans.

Complicity and aiding/abetting: Extending liability to those who

facilitated, enabled, or encouraged the commission of crimes.

The IMTN was groundbreaking as it established that individuals, not just states, could be held accountable for international crimes, affirming that “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.” The Tribunal also rejected defences based on superior orders or state sovereignty, asserting the supremacy of international law. By the trial's conclusion, 12 defendants received death sentences, three were sentenced to life imprisonment, four received prison terms ranging from 10 to 20 years, and three were acquitted. The prosecution of these high-ranking officials set a crucial precedent, reinforcing the principle that no individual is above the law and laying the groundwork for future international criminal justice mechanisms.

The Role of Witnesses and Testimonies

A notable critique of the IMTN was the limited and often ineffective use of victim and witness testimonies. Despite the aim of American and British judges and prosecutors to ensure a fair and meticulous process, the voices of victims were often marginalised. The human impact of the atrocities, particularly in concentration camps, was not always vividly portrayed. The stories of the victims, which could have starkly illustrated the horrors of the Holocaust, were frequently overshadowed by the legalistic nature of the proceedings. For instance, only a small number of Holocaust survivors, including Yetta Schütz-Kever, provided testimony.

Conversely, the defendants were often humanised as their actions were assessed within the legal frameworks of crimes against peace, war crimes, crimes against humanity, and the various modes of liability. By focusing on abstract legal concepts like “conspiracy” and

“crimes against humanity,” the trials risked portraying the defendants as figures within a procedural framework rather than emphasising their direct accountability for horrific acts.

This legalistic approach, while essential for establishing precedent, may have inadvertently diluted the personal responsibility of the accused, making their crimes seem more distant from the human suffering they caused.

The Emphasis on Conspiracy and Criminal Organisations

The concept of conspiracy to commit international crimes was established by the Charter of the International Military Tribunal in 1945. This was to hold major Axis war criminals individually responsible for their involvement in a collective plan to commit crimes against peace, war crimes, or crimes against humanity.

“Conspiracy” was defined as participation in a common plan or agreement to commit acts violating international law. The IMTN aimed to prove not only



Judges' bench at the International Military Tribunal was a court convened jointly by the victorious Allied governments (right) and Evidence presented at the International Military Tribunal includes photographs, artifacts, and a map (left).

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individual actions but also the defendants' roles in formulating and implementing Nazi policies, including the Holocaust, persecution of targeted groups, and the planning and execution of aggressive war.

The trials placed significant emphasis on the charge of conspiracy, particularly concerning war crimes and the systematic mass atrocities in Nazi camps. The American prosecution was particularly focused on demonstrating a coordinated plan behind these atrocities. However, the Tribunal ultimately rejected a sweeping conspiracy charge related to war crimes and crimes against humanity, concluding that there were separate war plans rather than a single, overarching conspiracy.

A complex issue during the trials was the criminal prosecution of organizations such as the SS (*Schutzstaffel*), SA (*Sturmabteilung*), the Nazi Party Leadership Corps, the Gestapo (*Geheime Staatspolizei*), and the Reich Cabinet.

Declaring these organisations criminal en masse could have streamlined the process by holding all members liable. However, this approach raised concerns about setting a dangerous precedent, especially in the politically charged post-war climate where such a ruling might be perceived as an attack on the USSR, then occupying Eastern Europe. As a compromise, the IMTN established conditions for prosecuting criminal organisations: membership had to be predominantly voluntary, individuals had to be aware of the group's criminal aims, and some members had to be tried and convicted before the



View of the Palace of Justice, where the trial was held.

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organisation could be declared criminal. This framework offered some protection for individuals who might have been coerced or mistakenly identified as participants.

The Tribunal determined that criminal responsibility for organisations like the SS applied only to certain periods and categories of membership. For instance, clerical workers and reserve members of the SA were excluded, while SS janitors, considered part of a "brotherhood," were held accountable. The Gestapo and Reich Cabinet were declared criminal only from 1933 onward, emphasising their formal role in Nazi policies during the regime's governance.

Individual Defendants and Sentences

The IMTN focused on 24 prominent Nazi leaders, many of whom were found guilty of crimes against peace, war crimes, and crimes against humanity. The sentences reflected the scale of the atrocities and the roles of each defendant.

Hermann Göring: A central figure in the Nazi hierarchy and briefly Hitler's designated successor, found guilty on all four counts and sentenced to death by hanging

(committed suicide before execution).

Rudolf Hess: Once Hitler's confidant and deputy, convicted on two counts and sentenced to life imprisonment.

Joachim von Ribbentrop: The Reich's Foreign Minister, deemed complicit in Nazi aggression and atrocities, received a death sentence.

Wilhelm Keitel: Head of the armed forces, orchestrated war crimes, convicted on all counts, and executed.

Ernst Kaltenbrunner: Himmler's deputy and chief of the secret police, found guilty of war crimes and crimes against humanity, and sentenced to death.

Alfred Rosenberg, Hans Frank, and Julius Streicher: Similarly convicted and sentenced to death for their roles in Nazi atrocities.

Albert Speer: The Nazi party architect and Armaments Minister, received a 10-year prison sentence, primarily for his involvement in forced labour.

Interestingly, three individuals – Hjalmar Schacht (Minister of Economics), Franz von Papen (Vice-Chancellor), and Hans Fritzsche (Head of Radio Propaganda) – were acquitted. Their cases demonstrated the Tribunal's commitment to examining individual culpability rather than pursuing blanket convictions. Fritzsche's acquittal, for example, was based on the Tribunal's assertion that propaganda broadcasting, while reprehensible, did not meet the threshold for criminal conviction.

(full bibliography at the end of part 3)

KRISTEN PETERS