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CASE COMMENTARY ON THE JUDGMENT OF THE INTERNATIONAL MILITARY TRIBUNAL AT NUREMBERG (1946)

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Case: The Trial of the Major War Criminals Before the International Military Tribunal

Court: International Military Tribunal (IMT), Nuremberg, Germany

Date of Judgment: 1 October 1946

Subject Area: Public International Law, International Criminal Law, Individual Criminal Responsibility, War Crimes and Crimes Against Humanity

1. Introduction

The Nuremberg judgement is a landmark judgement in history. It was delivered by the International Military Tribunal (IMT) at Nuremberg on 1 October 1946. This judgment is significantly important to public international law and international criminal justice. The thing is that although senior government officials and military leaders exercise state authority, they still be accountable for crimes occurred at second world war. Through this Nuremberg judgment, political and military leaders were held accountable for war crimes, violations of the laws and customs of war, and crimes against humanity. London Agreement and Charter were signed on 8th August 1945. The United Kingdom, the United States, France, and the Soviet

Union signed to establish the International Military Tribunal. The charter granted jurisdiction over crimes against peace, war crimes, and crimes against humanity. The defendant party, political figures, military commanders and officials included with the Nazi regimes. The prosecution claimed that they had participated in planning and executing aggressive wars and committing atrocities against civilian populations and war prisoners.

In this commentary, the legal issues addressed by the Tribunal, principal findings of the Tribunal, its contribution to international criminal law, and the criticism surrounding its reasoning and institutional legitimacy will be explained.

2. Facts and Background of the case

This case focused on the emergence of the Nazi regime under Adolf Hitler, its efforts to strengthen its political power, its rearmament programme and its aggressive foreign policy. The tribunal considered Germany's practices preceding the Second World War, including the evidence examining the annexation of Austria, the seizure of Czechoslovakia and the invasion of Poland on 1 September 1939, which marked the commencement of the Second World War in Europe.

The prosecution argued that the Nazi leaders purposely organized war crimes. It was not a simple reaction to the sudden international circumstances. There were some documents presented to the tribunal. The argument of Germany expanded their armed forces, planned, military operations, and they have violated international agreements were proved by these documents.

The tribunal investigated a wide range of human rights violations that happened in the areas affected by the war. For example, murder, ill- treatment of prisoners of war, forcing civilians to work, persecution of Jewish people, confiscation of property, and the destruction of civilian settlements without military justification.

One of the most important things about the trial was a large number of documents presented as evidence to the tribunal. Investigators recovered records from places like German military headquarters, government offices, and other locations. Many of these documents had been produced by the Nazi regime itself, providing evidence submitted by the defendants in their defense. This evidence played a huge role in determining the individual responsibility of those accused.

The task of the tribunal was to determine whether atrocities had occurred. It had to establish whether the accused persons could be held individually responsible under the applicable rules of international law.

3. Legal Issues

There are several fundamental issues that arose before the tribunal.

3.1 **Whether individuals could be held criminally responsible under international law**

3.2 **Whether the defendants could rely on their official positions as a defense**

3.3 **Whether aggressive war constituted an international crime**

3.4 **Whether crimes against humanity could attract individual criminal responsibility**

3.5 **Whether superior orders could excuse criminal conduct**

4. Judgement and decision of the tribunal

Especially, the judgment recognized individual criminal liability under international law. The tribunal dismissed the argument that international law dealt merely with the rights and obligations of states. It depicts that international crimes are committed by individuals and that the law can impose personal responsibility on those individuals. The tribunal found a number of the defendants guilty of crimes within its jurisdiction and imposed sentences according to their individual responsibility. Also, the judgment discussed whether certain Nazi organizations should be considered criminal.

The tribunal's conclusions were not the same for all defendants. It distinguished between individuals according to the evidence concerning their participation, knowledge, and involvement in the offences.

For example, Hermann Göring was found guilty on all four counts. Wilhelm Keitel was also found guilty on all four counts. The tribunal considered the roles and the involvement of the leaders of the Nazi regime.

The tribunal also acquitted Hjalmar Schacht, Franz von Papen and Hans Fritzsche. Its decision not to declare the Reich Cabinet, the General Staff and High Command of the German Armed Forces Criminal Organizations demonstrated that the prosecution's allegations did not automatically determine the outcome.

The tribunal examined the responsibility of Nazi leaders for planning, preparing, initiating and waging aggressive war. Article 6 (a) of the Charter of the International Military

Tribunal classified these acts as crimes against peace. Article 6 (b) of the Charter authorized the tribunal to prosecute violations of the laws or customs of war. These offences included murder, ill-treatment of civilians and prisoners of war, deportation for forced labour, and the plunder of public or private property.

5. Critical Analysis of the judgement

5.1 **Contribution to individual criminal responsibility**

Individuals are liable for the criminal activities they engage in, although they did it for the state. This principle plays a huge role in the development of international criminal justice.

5.2 **The legality principle and retrospective criminalization**

The defendants argued for themselves, saying that giving them punishments for aggressive war would amount to retrospective criminalization. They reasoned that the relevant individual criminal offence and punishment had not previously been established in the same manner as under the Charter. The tribunal rejected this argument, saying that the Charter reflected international law already existing at the time and that the defendants could not reasonably claim that intentional aggression in violation of international obligations was lawful.

5.3 **The relationship between state sovereignty and international law**

As we know, states deal with domestic affairs, while international law primarily interacts with relations between states. Nuremberg depicts that state sovereignty could not immediately prevent international scrutiny of conduct involving serious international crimes.

However, this judgement does not mean that state sovereignty no longer exists or that international criminal jurisdiction has unlimited powers. There should be accountability within established legal rules, including requirements concerning jurisdiction, evidence, individual responsibility and fair trial.

5.5 **Individual responsibility and organizational criminality**

The Tribunal also considered whether particular Nazi organizations should be declared criminal. The judgment considered the connection between collective wrongdoing and individual guilt. An organization may have been involved in criminal activities, but its membership can include persons with different roles, levels of knowledge, and degrees of

participation. In particular, the tribunal understood the risk of unfairly penalizing individuals because they worked for an organization. In contrast, if a person does not have an idea of the criminal side of an organization or was forced to associate with them, they should not come under the declaration of criminality, unless they individually committed relevant crimes. This principle is along with a fundamental principle of criminal justice.

6. Significance for the Development of International Criminal Law

The Nuremberg tribunal is a milestone in international criminal law. First, it affirmed that, although an individual committed a crime for their state, they could be held criminally liable for serious violations of international law.

Second, it established the principle that official position does not automatically provide immunity from international criminal liability.

Third, it dismissed the proposition that superior orders invariably excuse participation in international crimes.

Fourth, it contributed to the development of the legal framework concerning crimes against peace, war crimes, and crimes against humanity.

Finally, it established an important historical precedent. It is particularly important for later international criminal cases, and it continued the development of international accountability mechanisms. By using these principles, individuals can be accused of several offenses. For example, genocide, crimes against humanity, war crimes, and other serious international offences. Nowadays, the current legal framework has developed beyond the charter and jurisdiction applied at Nuremberg.

7. Conclusion

Nuremberg trial is not just another trial. It is one of the most significant decisions in legal history. It developed public international law. For the first time, individuals were liable to them. Senior political and military figures were held responsible for war crimes throughout the war period. The assumption that state authority could protect individuals from liability for war crimes was challenged by this tribunal. Furthermore, the criminal liability of an individual, refusal of official position as a defense, and refusal to accept superior orders as a complete excuse contributed

substantially to the development of international criminal justice and are recognized in this tribunal. Rather than those, the judgment questioned retrospective criminalization, the principle of legality, the impartiality of a tribunal established by victorious powers, and the connection between collective wrongdoing and individual criminal responsibility. These criticisms do not undermine the importance of prosecuting serious international crimes.

Instead, they depict the need to ensure that international accountability is grounded in well-established legal rules, reliable evidence and fair judicial procedures.

As the final outcome of the Nuremberg judgment, political powers or state sovereignty cannot shield individuals from international criminal law. It depicts an important fact: promoting accountability for international crimes while ensuring the rule of law.