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## Project Memorial Nuremberg Trials

### The Nuremberg Trials – Basis for a New International Law

#### The Nuremberg Trials

Apart from the NSDAP Party Rallies held in Nuremberg between 1933 and 1938 and the atrocious racial laws adopted in 1935, it is the Nuremberg Trials of leading representatives of the Nazi regime which led to Nuremberg being known world-wide in the 20th century. Between 20 November, 1945, and 1 October, 1946, the trial of leading representatives of the "Third Reich" was held by the International Military Tribunal (IMT) in Court Room 600 at the Nuremberg Palace of Justice. Between 1946 and 1949, 12 follow-up trials were also held here. Those tried included high-ranking representatives of the military, administration, medical profession, legal system and industry.

#### History

Two years after Germany had unleashed World War II on 1 September, 1939, leading politicians and military staff of the anti-Hitler coalition started to consider bringing to account those Germans responsible for war crimes at that point. The Moscow Declaration of 1943 and the Conference of Yalta of February 1945 confirmed this attitude. Nevertheless, the ideas concerning the type of proceeding to use in the trial were extremely divergent.

After difficult negotiations, on 8 August, 1945, the four Allied powers (USA, Britain, France and the Soviet Union) concluded the London Agreement, on a "Charter for The International Military Tribunal", providing for indictment for the following crimes:

1. Crimes against peace
2. War crimes (violations of the laws or customs of war, in particular of the Hague and Geneva Conventions)
3. Crimes against humanity (persecution, enslavement or murder of civilians on political, racial or religious grounds)
4. Conspiracy against world peace

in a trial based on the rule of law.

### The Defendants

24 defendants were indicted, three of whom were not present at the start of the trial. Robert Ley committed suicide in prison before the start of the trial, Gustav Krupp von Bohlen und Halbach was declared unfit to plead on grounds of ill-health, and Martin Bormann was considered missing and tried in absentia. All defendants present pleaded "not guilty" at the start of the trial.

The defendants were:

1. Martin Bormann  
Head of the Party Chancery of the NSDAP and Hitler's Secretary, sentenced to death in absentia
2. Karl Dönitz  
Admiral of the Fleet, sentenced to 10 years prison
3. Hans Frank  
Governor General of Poland, sentenced to death
4. Wilhelm Frick  
Reich Minister of the Interior, sentenced to death
5. Hans Fritzsche  
Head of the Radio Division of the Propaganda Department of the Party, acquitted
6. Walter Funk  
Reich Minister of Economy and after 1939 President of the Deutsche Reichsbank, sentenced to life imprisonment
7. Hermann Göring  
"Reich Marshall of the Greater German Reich", sentenced to death
8. Rudolf Heß  
Deputy to Hitler, sentenced to life imprisonment
9. Alfred Jodl  
Chief of the Operations Staff of the High Command of the Armed Forces, sentenced to death
10. Ernst Kaltenbrunner  
Chief of the Security Police and the Security Service, sentenced to death
11. Wilhelm Keitel  
Chief of the High Command of the Armed Forces, sentenced to death
12. Gustav Krupp von Bohlen und Halbach  
as a representative of the German heavy and armaments industries, case dropped in November 1945 on grounds of ill-health
13. Robert Ley  
Leader of the "German Labour Front" (DAF), suicide before start of the trial

## museen der stadt nürnberg

14. Konstantin von Neurath  
Reich Protector for Occupied Czechoslovakia (Bohemia and Moravia)  
sentenced to 15 years prison
15. Franz von Papen  
Vice Chancellor in Hitler's first cabinet, ambassador to Austria and  
Turkey, acquitted
16. Erich Raeder  
Commander-in-chief of the Navy, sentenced to life imprisonment
17. Joachim von Ribbentrop  
Reich Minister for Foreign Affairs, sentenced to death
18. Alfred Rosenberg  
since 1941 Reich minister for the Occupied Eastern Territories,  
sentenced to death
19. Fritz Sauckel  
Plenipotentiary for the Employment of Labour, sentenced to death
20. Hjalmar Schacht  
President of the Deutsche Reichsbank and Reich Minister of  
Economics, acquitted
21. Baldur von Schirach  
Reich Leader of Youth and since 1940 "Gauleiter" of Vienna,  
sentenced to 20 years imprisonment
22. Arthur Seyß-Inquart  
since 1940, Reich Commissar for Occupied Netherlands, sentenced  
to death
23. Albert Speer  
General Inspector of Building for Berlin, in 1942-1945 Reich Minister  
for Armaments and Ammunition, sentenced to 20 years imprisonment
24. Julius Streicher  
Editor-in-Chief of the anti-Semitic newspaper "Der Stürmer" and  
"Gauleiter" of Franconia, sentenced to death

### **Course of the Trials and Execution of Sentences**

The opening session of the IMT was held in Berlin on 18 October, 1945. The four main prosecutors presented the indictments against 24 Nazi main war criminals and against six "criminal organisations": the Reich cabinet, the leadership corps of the NSDAP, the Schutzstaffel (SS) and Sicherheitsdienst (SD), the Sturmabteilung (SA), the General Staff and High Command of the Armed Forces (OKW), as well as the Secret State Police (Gestapo). The IMT then adjourned the proceedings until 20 November 1945, when the trial continued in Nuremberg.

During the 218 trials days in Nuremberg, 236 witnesses were heard in person, about 200,000 affidavits were used as evidence, and 5,330 documents were presented, including comprehensive film evidence. The court hearing ended on 31 August, 1946, and on 1 October, 1946, the

sentences were proclaimed. According to article 26 of the London Charter for the International Military Tribunal, sentences were final and not subject to review.

12 defendants were sentenced to death by hanging, seven to prison, three were acquitted. The death sentences were executed in the early hours of 16 October, 1946, in the old gymnasium of Nuremberg Prison. The corpses were cremated. The seven defendants sentenced to prison started to serve their sentences in Nuremberg, and in July 1947, were moved to Berlin-Spandau. Von Neurath, Raeder and Funk were permitted to leave prison early, on health grounds, Dönitz, Speer and von Schirach were released after serving the full term. Rudolf Heß, as the last remaining prisoner, committed suicide at the age of 93 in 1987.

### **Follow-up Trials**

The trial of the main war criminals was followed in 1946-49 by twelve follow-up trials of doctors and jurists, members of the SS and police, industrialists and bankers, military staff and government officials. In contrast to the International Military Tribunal, these trials were conducted exclusively by the Americans.

An overall number of 185 defendants were indicted in the follow-up trials, and 177 were tried. 13 out of 25 death sentences were executed, and 90 of the 117 defendants sentenced to imprisonment were either pardoned or released early in the 1950s. 35 defendants were acquitted.

### **Repercussions**

The Nuremberg Trial of the main war criminals was a legal first in several respects: for the first time, states with very different government systems and constitutions, conducted a trial of a defeated enemy in a court of law. Instead of taking revenge, legal proceedings were held governed by the rule of law, and for the first time, individuals were held personally responsible on the basis of international law.

The Charter of the United Nations of 26 June, 1945, was an attempt to secure world peace by creating international law – and the Nuremberg Trial of the main war criminals and its London Charter were of fundamental importance to the development and implementation of international criminal law. The International Military Tribunal held in Nuremberg was the model for today's International Criminal Court established in The Hague.

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