The United Nations have on various occasions expressed their adherence for the suppression of crimes and atrocities of which the German leaders and their associates are guilty, and have pledged themselves that these responsible for such crimes and atrocities shall not escape punishment.

The United Kingdom, the United States, and the Soviet Union in the Declaration issued at Moscow November 3, 1943 stated:

(1) that these German officers and men who have been responsible for or have taken a conniving part in these atrocities will be sent back to the countries in which their abhorrent deeds were done in order that they may be judged and punished according to the law of those libeled countries and of the free governments which will be created

(2) that the above declaration was "without prejudice to the case of the major criminals, whose offenses have an particular geographical localities and who will be punished by the joint declaration of the Governments of the Allied.

The criminality of the German leaders and their associates does not consist solely of individual outrages, but represents the result of a systematic and planned reign of terror within Germany and within the areas occupied by German military forces, in connection with which the crimes and atrocities referred to were committed. These crimes and atrocities were perpetrated pursuant to a premeditated criminal plan.

For the carrying out of the acts of oppression and terrorism which their program involved, the Nazi leaders and their associates created and utilized a numerous organization, chief among which are the SS, the Gestapo, and the like.

Having in view the foregoing, and in order to press on with the necessary practical measures to bring to justice the criminals referred to, the governments of the United States of America, the
United Kingdom of Great Britain and Northern Ireland, and the Union of
Socialist Soviet Republics, acting by the respective duly authorized
representatives, have agreed upon the following:

I

The German leaders and their associates, and the organizations
employed by them, such as those referred to above, will be charged
with both the commission of their atrocities, crimes, and also with
joint participation in a broad criminal enterprise which included and
embraced these crimes, or was reasonably calculated to bring them
about. The allegation of the criminal enterprise will be so worded
as to permit full proof of the entire factual plan from the inception
and the means used in its furtherance and operation, including the
premonitory activities and those committed against their own nationals,
communes, and auxiliary persons, as well as the raising of an illegal
war of aggression with motives dishonorable for international law and
the rules of war. These will be focused on the role of leadership,.
leadership to all penal systems and included in the general divisions of
the laws of war, that these who participate in the formulation and
promotion of a criminal plan involving multiple crimes are jointly liable
for each of the offenses committed and jointly responsible for the acts
of each other. In support of this charge there will be admitted an
evidence the acts of any of the conspirators done in furtherance of
the conspiracy, whether or not these acts were in themselves criminal
and subject to separate prosecution as such.

II

The trial of the charge comprised in Article I and the deter-
mination of the guilty parties will be carried out in two stages:

(a) There will be brought before an international tribunal
the highest ranking German leaders in a manner fairly
representative of the groups and organizations charged with
the criminal plan. Adjudication will be sought not only of
the guilt of these individuals physically before the tribunal, but
also of the complicity of the members of the organizations included
within the charge. The tribunal will make findings adjudicating the facts established, including the nature and purposes of the original plan, the identity of the groups and organizations guilty of complicity in it, and the acts committed in its execution. The tribunal will sentence those individual defendants physically before it who are convic-

The above will complete the mission of this international tribunal.

(b) Thereafter, other individuals charged with specific atrocities and members of the organizations who are charged with complicity through such membership in the basic original plan but against whom there is not sufficient proof of specific atrocities shall, unless held for trial by one of the United Nations or such body for trial under the provisions of the Peace Declaration, be brought before competent or other appropriate tribunals. The findings of the tribunal in the trial provided for in paragraph (a) of this article will be taken to constitute a general adjudication of the original character of the groups and organizations referred to, finding upon all the matters thereof in their subsequent trials in competent tribunals or in other tribunals established under this instrument. In these subsequent trials the only necessary proof of guilt of any particular defendant, as regards the charge of complicity, will be his membership in one of these organizations. Proof will also be taken of the nature and extent of the individual’s participation.

(c) The defendant in each case shall, upon conviction, suffer death or such other punishment as the tribunal may direct, depending upon the gravity of the offense and the degree of culpability of the defendant.

III

The tribunal for the trial of the basic crime referred to in Article II (a) shall consist of seven members, to be appointed as follows: one each by the British Commonwealth, the United States, the Soviet Union, and France, and three by agreement among the other United Nations who become parties to this instrument.
The members of the tribunal may be civilian or military as the appointing authority in each case may prefer.

(a) There shall be created a full time executive group consisting of one military representative each of the British Commonwealth, the United States, the United States, and France. This group shall be assisted by an adequate staff of attorneys and research personnel to compile and analyze data, prepare the charges to conform to the proof and arrange the evidence for presentation to the international tribunal.

(b) The presentation of the case before the international tribunal shall be made by persons designated by the British Commonwealth, the United States, the Soviet Union, and France, each of those countries being entitled to designate one person, who may be its member of the executive group referred to in paragraph (a) of this Article.

V

(a) The emoluments and expenses of those members of the tribunal provided for in Articles III, designated by the British Commonwealth, the United States, the Soviet Union, and France, and of the executive group provided for in Article IV (a), shall be borne by the respective governments just mentioned.

(b) The emoluments and expenses of the other three members of the tribunal shall be borne by the governments of the other United Nations parties to this instrument.

(c) The emoluments and expenses of the staff assisting the executive group, and of secretarial staffs for the tribunal and the executive group, and incidental expenses, such as rent, heat, light, stationery and printing, shall be borne by the parties to this instrument in equal shares.

VI

All members of the United Nations shall be invited by the Government of the United Kingdom, acting on behalf of the other signatory parties, to adhere to this instrument. Such adherence shall in each case be notified to the Government of the United Kingdom.
which shall promptly inform the other parties to this instrument.

This day of ___________, 1940.

[Signature]

[Date]

[Address]