The United Nations have on various occasions expressed their adherence for the unanswerable crimes and atrocities of which the German leaders and their associates are guilty, and have pledged themselves that those 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 1, 1944 stated:

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

(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 Allies."

The criminality of the German leaders and their associates does not consist solely of individual outrages, but represents the results of a systematic and planned policy of terror within Germany and within the zones 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 premised involved, the Nazi leaders and their associates created and utilized a number of organizations, chief among which were 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
The German leaders and their associates, and the organizations employed by them, such as those referred to above, will be charged with both the commissions of their atrocities alone, and also with joint participation in a broad criminal enterprise which included and extended 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 plan from the inception and the means used in the furtherance and operation, including the pre-war activities and those committed against their own nationals, enemies, and other peoples, as well as the waging of an illegal war of aggression with relatives disregard for international law and the rules of war. There will be found the rule of liability, common to all penal systems and included in the general divisions of the law of war, that those who participate in the formulation and execution 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 adduced to evidence the acts of any of the defendants done in furtherance of the object, whether or not those acts were in themselves criminal and subject to separate prosecution as such.

2

The trial of the accused provided in Article 1 and the determination of the guilty parties will be carried out in the manner:

(a) Those will be brought before an international tribunal to be created the highest ranking German leaders to a number fairly representative of the groups and organizations charged with complicity in the whole criminal plan. Adjudication will be sought not only of the guilt of those individuals personally before the tribunal, but also of the complicity of the members of the organizations included.

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within the charge. The tribunal shall make findings regarding 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 shall
sentence those individual defendants physically before it who are
convicted.

The above shall 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 conduct which was 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
bloc for trial under the provisions of the Potsdam Declaration, be
brought before occupation or other appropriate tribunals. The find-
ings of the tribunal in the trial provided for in paragraph (a) of
this article shall be taken to constitute a general adjudication of
the criminal acts of the groups and organizations referred to,
holding upon all the evidence thereof in their subsequent trials in
occupation tribunals or in other tribunals established under this
instrument. In no event shall the only necessary proof of
rather of any particular defendant, as regards the charge of complicity,
shall be his membership in one of these organizations. Proof shall 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 malignity of the
defendant.

III

The tribunal for the trial of the basic crimes 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 are parties to this instrument,

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The members of the tribunal may be civilian or military as the appointing authority in each case may prefer.

II

(a) There shall be created a full time executive group consisting of one military representative of each of the United Kingdom, the United States, the Soviet Union, 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 United Kingdom, the United States, the Soviet Union, and France, each of those countries being entitled to designate one person, who may be an member of the executive group referred to in paragraph (a) of this Article.

V

(a) The salaries and expenses of the members of the tribunal provided for in Articles III, designated by the United Kingdom, the United States, the Soviet Union, and France, and of the executive group provided for in Article II (a), shall be borne by the respective governments so designated.

(b) The salaries 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 salaries 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.

[Redacted]

day of ____________________, 1940.