The United Nations have on various occasions expressed their abhorrence for the unspeakable crimes and atrocities of which the German leaders and their associates are guilty, and we have pledged to ourselves 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, 1942 stated:

(1) that these German officers and men who have been responsible for or have taken a consenting part in these atrocities will be sent back to the countries in which they were committed to be judged and punished, their abhorrent deeds were done in order that they may be judged and punished accordingly to the law of the land and the principles of justice, the injured states and the peoples of all the free governments which will be created thereupon; and

(2) that the above declaration was “without prejudice to the case of the major criminals, whose offenses were so 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 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 orders 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
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United Kingdom of Great Britain and Northern Ireland, and the Union of South African  
Republics, jointly represented by the respective duly authorized  
representatives, have agreed upon the following:

2. The German leaders and their associates, and the organizations  
employed by them, which are 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 involved these crimes, or was reasonably estimable to bring them  
about. The allegation of the criminal enterprise will be as needed  
as to permit full proof of the actual Full plan from the execution  
and the same used in the furtherance and operation, including the  
pre-war atrocities and those committed against their own nationals,  
communities, and other persons, as well as the raising of an illegal  
army of aggressors with relative disregard for international law and  
the rules of war. There will be invoked the rule of responsibility  
under all penal statutes and included in the general direction of the  
laws of war, that those who participate in the formulation and operation  
of a criminal plan involving multiple crimes are jointly liable for  
each offense committed and jointly responsible for the acts of each  
other. In support of this charge there will be admitted as  
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 proceedings as such.

3. The trial of the charge provided in Article I and the determin  
ation of the guilty parties will be carried out in two stages:
(a) There will be brought before the international tribunal  
to be created the highest ranking German leaders in a manner fairly  
representative of the groups and organizations charged with complicity  
in the broad criminal plan. Adjudication will be sought not only of  
the guilt of these individuals personally in the tribunal, but  
also of the complicity of the members of the organizations included.
within the charge. The tribunal shall 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 shall sentence those individual defendants physically before it who are convicted.

The above will complete the division 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 shall not be brought before trial by any of the United Nations or any other tribunal under the provisions of the Potsdam Declaration, but brought before the appropriate international tribunal. 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 charges thereof in those subsequent trials in connection with this tribunal or in other tribunals established under this instrument. In those 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 those 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 some 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 member 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 civilians or military as the appointing authority deems proper.

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

V

(a) The secretarial and expenses of these members of the tribunal provided for in Article III of this instrument, 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 secretarial 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 secretarial 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 adheres 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.

Date at __________________________ At the __________________________
Day of __________________________, 1943.

\[\text{Signature} \]

\[\text{Witnesses:} \]

\[\text{SIGNED BY:} \]

\[\text{Printed Name:} \]

\[\text{Title or Rank:} \]

\[\text{Date:} \]

\[\text{Place:} \]