Prologue

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 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 11, 1942 stated:

(1) that those German officers and men who have been responsible for or have taken a complicit part in such atrocities shall be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of those liberated countries and of the free governments which will be created therein; and

(2) that the above declaration was "without prejudice to the rights of the major countries, whose nationals were victims of geographical localisation 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 merely 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. It is apparent that these crimes and atrocities were perpetrated pursuant to a premeditated criminal plan.

For the emerging out of the acts of oppression and terrorism with their tragic sequel, the Nazi leaders and their associates...
creased and utilized a numerous organization, chief among which are the SS and the Gestapo.

Noting 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 Union of Socialist Soviet Republics, the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Provisional Government of the French Republic, acting by their respective duly authorized representatives, have agreed upon the following:

1. **Arrangement and Trial of Principal Axis Leaders**

   1. The executive group convened in Article IV below, subject to the approval of the Governments represented on the group, shall prepare a document of arrangement (hereafter called the arrangement) setting forth the offenses which the United Nations alleges that Hitler, Mussolini, Goebbels, Himmler, Blomberg, Göring, and possibly a certain few others of the principal Axis and Fascist leaders have committed, caused or permitted. The arrangement shall set forth in adequate detail the principal facts of the great Axis criminal enterprise from its inception through the whole of its attempted execution, including among other things:

   a. The origin of persecutions of minority groups in Germany and in the occupied countries;

   b. The encouragement of internal disorders in countries bordering upon Germany with a view to making them easy prey for the Nazi invaders;

   c. The tremendous invasion by force, or threat of force, of neighboring countries in violation of international customs and treaties.

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2. The initiation and waging of a ruthless war of aggression in deliberate and calculated disregard and violation of treaties and international law;

3. The cruel and deliberate disregard of prisoners of war and displaced persons;

4. The cruel and relentless destruction of the nationals of territories occupied by the Germans in violation of international conventions and practices and in gross disregard of the laws and customs of war, including, among other things, the initiation of a reign of terror, the enslavement of subject peoples, the unlawful confiscation and looting of private and public property, the unreasonable administration of military occupation, the wanton destruction of towns and villages, the murder, rape and deportation of the inhabitants, the deportation of peoples, the unreasonable and excessive punishment of individuals for the acts of others for which they were in no way responsible, and the ruthless program of mass extermination in those occupied areas.

5. Such phase of the arrangements shall be supported by reports of investigations, authentic original documents, records, photographs, affidavits and accurate statements of the facts and circumstances alleged therein, with a view to settling forth, in the form of a complete dossier of reliable documents, a comprehensive analysis and proof of the totality of the criminal and controlled acts for which the freedom loving nations of the world are in duty bound to call upon the principal Nazi aggressors to make an accounting and to bring them to trial.

6. An Allied military court of four members shall be appointed by the Control Council for Germany, for the purpose
The trial within which the several persons arraigned may attempt in open court to controvert, and offer relevant evidence with respect to, the facts charged in the document and be heard in person and by counsel. The Court shall have full power to determine what evidence has probative value and is relevant, and, among other evidence, may give such weight, as it may deem proper, to (a) the documents submitted in support of the arraignment; (b) any facts of which the Court in its discretion may decide to take judicial notice. The Court shall determine whether and to what extent the facts warrant the punishment of the persons named in the arraignment and may recommend to the Central Council such sentence as it may deem proper, subject only to the written approval of the Central Council for Germany which may approve, reduce, or otherwise alter such sentences or any of them. Such sentences, when and as approved, shall be carried into execution in accordance with the written orders of the Central Council.

II

Nuremberg Against Certain Nazi Organizations and their Leaders

The German leaders (but without prejudice to the trial of the arraignment of any of them in accordance with Article I) and their associates, and the organizations employed by them, such as those referred to in the preamble to this Agreement, will be charged with the commission of their atrocious crimes, and also with joint participation in a broad criminal enterprise which included and intended these crimes, or was reasonably calculated or likely to bring them about. The allegations of the criminal enterprise will be so stated as to permit full proof of the entire Nazi plan from its inception and the means used to its furtherance and consummation, including the pre-war atrocities and those committed against their own nationals, neutrals, and stateless persons, as
well as the settling of an illegal war of aggression with
ruthless disregard for international law and the rules of
war. There will be involved the rule of liability, common
to all penal systems and included in the general doctrines
of the laws of war, that those who participate in the for-
mulation 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 admitted in 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.

III

Terror of Organizations and their Members.
The trial of the charges described in Article II and the
determination of the guilty parties will be carried out in
two stages:

(a) Stage I - There will be brought before an inter-
national tribunal to be created high ranking German leaders,
other than those already arraigned and punished, in the
manner provided in Article I, to a number fairly representa-
tive of the groups and organizations charged with complicity
in the basic 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 criminal 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
The above, which may take place in one or more trials, will complete the action of this international tribunal.

(b) **Stage II** - Thereafter there will be brought before occupation or other appropriate tribunals:

(1) other individuals charged with specific atrocities, unless held for trial by one of the United Nations or sent back for trial under the provisions of the Nuremberg Declaration; and

(2) persons, against whom there is not sufficient proof of specific atrocities, who are members of the organizations or sections of organizations which have been adjudged to be criminal in the Stage I proceedings, and who through such membership are charged with complicity in the basic criminal plan.

The findings of the tribunal in the trial provided for in paragraph (a) of this Article III will be taken to constitute a general adjudication of the criminal character of the groups and organizations referred to in such findings, binding upon all the members thereof in their subsequent trials in occupation 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 punishment as the tribunal may direct, depending upon the gravity of the offense, the degree of culpability of the defendant.

IT

Trivoli for Trial of Nazi Organizations and Their Members.
The Tribunal for the trial of the individuals and organizations charged with the barbarities referred to in Articles I and II shall be a military tribunal which shall consist of four members, to be appointed as follows: one each by the representatives on the Central Council for Germany of the Soviet Union, the United States, the British Commonwealth and France.

The members of the tribunal shall be military personnel of the nations of which they respectively are citizens.

V

Certain Procedural Matters.

In order to accomplish the swift trial and punishment of those guilty of the war crimes and other atrocities dealt with in this Agreement, the tribunals mentioned in Articles I and III, and the appropriate military and occupation courts, shall adopt and apply, to the greatest extent possible, expedient, fair, non-technical procedures. Such procedures, in a manner consistent with the other provisions of this Agreement should:

(a) provide each accused with notice of the charges against him and an opportunity to be heard reasonably on such charges;

(b) permit the court to admit any evidence which it considers would have probative value;

(c) except as the court in its discretion shall deem appropriate in particular cases, exclude any defense based upon the fact that the accused acted under orders of a superior officer or pursuant to state or national policy;

(d) exclude any defense based upon the fact that the accused is or was the head or purported head or other principal official of a state; and

SECRET

...
(a) There shall be created at the earliest possible moment an executive group consisting of one representative each of the Soviet Union, the United States, the British Commonwealth and France. Each such representative shall be a member of, or be designated to act for, the military forces of the nation which designated him. The operations of this executive group, so far as within Germany or Austria, shall be subject to the administrative direction of the Control Council for Germany or Austria, as the case may be. This group shall be assisted by an adequate staff of attorneys and research personnel to compile and analyze data, prepare the charges in the principal case or cases to confer to the proof and arrange the evidence for presentation to the international tribunal in the proceedings referred to in Articles I and II (a).

(b) The presentation of the evidence against the chief leaders, as provided in Article I, and of the principal case or cases against the Nazi Organization before the international tribunal, as provided in subparagraph (a) of Article III, shall be persons designated by the Soviet Union, the United States, the British Commonwealth and France, and by each of the other countries being entitled to designate one person, who may be one or more members of the executive group referred to in paragraph (a) of this Article.

(c) The executive group shall also be charged with:

(i) the preparation of plans for, and the formulating of advice with respect to, the prosecution of individuals to be charged with specific war crimes and atrocities.
and with complicity (as mentioned in Article III, paragraph (b) above) in the basic criminal plan through membership in one of the organizations hereinafter mentioned, not only in the national courts of the United Nations but also before occupation or other appropriate tribunals.

(2) planning and assisting in making arrangements for the detention, apprehension, extradition, transfer, trial and punishment of persons charged with war crimes and atrocities or with participation in the basic criminal plan.

(3) planning and recommending suitable, expedient, non-technical procedures for the swift but fair trial in a manner and certain punishment commensurate with the provisions of this Agreement, of those guilty of war crimes and atrocities.

(4) recommending to appropriate governmental authorities of agreements and measures supplemental to or in addition to this Agreement, necessary or appropriate to accomplish the objectives of this Agreement, and

(5) the maintenance of liaison among and with the appropriate military and civil agencies, authorities and organizations of or representing any of the United Nations with respect to the matters dealt with in this Agreement.

VII

(a) The expenses and remuneration of these members of the commission provided for in Articles I and VII, designated by the Soviet Union, the United States, the British Commonwealth
and France, and of the executive group provided for in Article VII (a), shall be borne by the respective Governments just mentioned.

(b) 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 in equal shares by the Soviet Union, the United States, the British Commonwealth and France.

VIII

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

Done at ___________________________ this the ___________________________ day of ___________________________, 1945.