In the second half of 1941, the incoherent information began to leak through on German atrocities perpetrated against the civilian population of Eastern Europe, on deportation of Jews and ruthless treatment of war prisoners, both President Roosevelt and Prime Minister Churchill simultaneously made a statement on October 28, 1941, warning the Germans that they would be held responsible for all their criminal deeds. Churchill stated particularly that "redemption for these crimes must henceforward take its place among the major purposes of the war." These statements laid the foundation for the future creation of the NWO. However, the first stone in this foundation was laid by the joint Declaration of representatives of nine governments-in-exile who met on January 17, 1941, at the St. James Palace in London, noting that all the events which occurred in their countries were contrary to international conventions of warfare accepted by all civilized countries and referring to the aforementioned statements of Roosevelt and Churchill, the St. James Declaration stated that the governments attending the Conference

"declare among their principal war aims the establishment among the nations of absolute justice toward all nations, whether they have ordered them, perpetrated them or in any way participated in them."

In the name of international solidarity the Declaration demanded restitution of

1) Members to the Conference were Belgium, Czechoslovakia, Greece, Luxemburg, Poland, Norway, Portugal, Yugoslavia and Great Britain, the United States of America, Britain and Canada, and the USSR, present observers.
of such criminals were selection of hostilities, irrespective of their nationality, they so that they be handed over to justice and the sentence pronounced by military courts.

In the course of 1942 the fate of the Jews was widely known and information about their destruction was coming through more frequently. However, at first the reaction was that of some uncertainty and the news was regarded as highly exaggerated.

The President Roosevelt again voiced his protest against the extermination of civilian population, and on August 21, 1942, referring to the Declaration of St. James Palace, he solemnly declared that "the time will come when (the criminals) will have to stand in court of law... and to answer for their acts." This was the first declaration of a country not occupied by the Nazis which authoritatively declared the determination to legally prosecute all guilty of crimes perpetrated against civilian population. Churchill joined this declaration and, in a statement made on September 9, 1942, stressed that the criminals would be called before justice in every country where they committed atrocities in order that no insoluble mystery may be given to future ages and that successive generations of men may say "We perish all the do the like again."**

These declarations did not remain mere words. One month after Churchill's declaration, Great Britain and the United States reached an agreement toward the
establishment of a United Nations Government for the investigation of the crimes
in which all Allied nationals, except the Jews, took part. The Yalta Declaration
of November 4, 1943 emphasized the previous individual statements and declared
that at the time of the Assumption any government which may be set up in Germany
will have to deliver to the Allies for trial all the responsible for the atrocities
and massacres in the countries in which they committed their abominable crimes and to
"The Allied Powers will proceed thus to the utmost ends of the earth and will
deliver them to the nations in order that justice may be done."

The fates of these criminals whose activities went beyond the geographic
boundaries of any individual country will be determined by a joint decision of the
Allied governments. It required nearly ten years until the Allies reached an
agreement as to the fate of the so-called major criminals. A resolution was adopted
at the Potomac Conference to the effect that all war criminals — irrespective of
whether the crimes were committed against the civilian population or war prisoners —
were to be brought before justice. Thus we see that the Allies, and in the first
place the United States and Great Britain, as soon as they became acquainted with
occurrences in the occupied territories in Europe, decided upon the necessity of
bringing war criminals and criminals against humanity before a tribunal, avoiding
any arbitrary punishment, and the mere the uncontrolled terror of the Germans.
violators become known, the subpoena and the sanction of the responsible leaders of
democratic countries. It becomes obvious that these acts of violence should not be
substituted by the same kind of terror but should be tried by a special
International Commission inspired by the best traditions of righteousness, a Tribunal
able unhesitatingly to declare the guilty and to inflict just punishment.

Hence, the establishment of the Tribunal seemed to a measure until President
Roosevelt appointed Justice Jackson as Chief of Counsel for the United States in
presenting the principal Axis war criminals. After lengthy discussions with the
Allies, Justice Jackson succeeded not only in spreading the necessity of establishing
an International Tribunal for punishing the chief war criminals but also in drafting
a charter and laying down the general principles of procedural and penal law.

On August 8, 1943, an Agreement for the establishment of an International Military
Tribunal was signed by the governments of four major Allied powers; later on other
10 United Nations joined them.

The agreement particularly stresses that representatives of the United States,
Great Britain, France and the Soviet Union are acting in the interests of all the United
Nations. A. art. 3 of the Agreement states that the ICTY has been established
"for the trial of war criminals where offenses have no particular geographical location
whether they be charged individually or by their capacity as members of organizations
or groups or in both capacities."

2) "Trial of War Criminals," Department of State, Washington, 1945, p. 142
In his report submitted to President Truman on June 7, 1945, Justice Jackson states that three answers could be given to the question as to how to deal with new criminals in the broad sense of the word. To put them all in prison without a hearing, but... to free them without a trial would rob the dead and living son of the living to execute or otherwise punish them without a hearing. Yet this would contravene American legal philosophy and "would not... be remembered by our children with pride."

The only possible solution in Justice Jackson's opinion was that the question of innocence or guilt of the accused be determined "after a hearing as dispassionate as the laws and the manner of dealing with all persons, and upon a record that will leave our reason and motives clear."

Despite this interpretation derived by a sound political idealism, in a few circles (both before the trial and after the verdict) voices arose attempting to discredit the bill for several reasons of political and legal nature. These voices, though not numerous, use as their mouthpieces periodicals of widespread circulation, and therefore one must not pass this fact in silence. Moreover, these voices were not free against or overt advocates of fascism but free democratic circles which, by their criticism try not as much to undermine the authority of the verdict as to strengthen legal principles which, in their opinion, were violated by the trial proceedings.

3) Trial of Four Cripples, Department of State, Washington, 1943, p. 3.
Dossy which has the sad privilege of being not only the first Nazi victim administratively, but also of occupying the first place numerically among the perpetrators and culprits, voiced its demand for a stern but just punishment of the guilty to be pronounced by a court. For Dossy, as for the entire civilized world, it is by no means material whether the verdict will enter into history as a result of fair trial or as a foregone conclusion of the victors toward the defeated.

The sole objection to the Nuremberg Trial is that the verdict was pronounced by a court of victors against defeated and thus, logically, right had to yield to wrong. But can any ask — could there at all be a trial of our criminals had not these been victors? Only because the democratic coalition, together with the Soviet Union, because the victor and act forth as its main support pronounced the victors responsible for the total catastrophe, the idea of a just punishment was born. 

The victors were representatives not only of their destroyed countries and defeated the interests not only of their tortured citizens, but of all victims of Nazism.

Among the victors — and not as an unimportant one that — was the United States whose population did not suffer from bombardment and whose citizen were not deported.

Yet, the United States was the recognized leader in the establishment of the Tribunal and in unfolding a comprehensive and true picture of the crimes. Suggestions were made that the Tribunal is not, as the indictment states, the four great powers where military victory made the fatal possible, but the millions of their soldiers of all nations, the millions of innocent victims exterminated by Nazi brutality, the millions of men, women and children who survived deportation and enslavement. Their martyrs must not have been in vain."

made to set up a Tribunal consisting of members of neutral countries or at least
includes their representatives into the NMT. But were there any truly neutral
countries in this war? There were fighting countries and those who attempted
by all available means, not to take part in this bloody struggle. How can we regard
France Spain or the socialistic government of Russia as neutral? In this world
conflict there were countries occupying front positions and those hiding in the
back there were no neutral countries. The opponents of the Nuremberg Trial come
time insisting that there can be no such sentence because... the one thing the
winner cannot give to the vanquished is justice... How can we inspire justice in
one never again...?

5) "How can we honestly expect any member of the family of nations to be
universalists, when dealing with international crises by a great power?
Are not all peace-loving countries, whether or not they were technically
neutral during a war, engaged members of the family of nations and close
relatives of the victims of aggression...? One could ask neighboring
nations to judge Germany without their being influenced by the fact that
again the Reich might become powerful enough to seek revenge upon those
who dared to judge her?: Murray R. Bernays, Legal Basis of the Nuremberg
Trials, Gerolsteiner, January 1946, p. 6.

We refer to the article published in Fortune not because they
unanimously oppose the Nuremberg Trial, but because in their
opinion the facts are demonstrated by the majority of oppositions
to the NMT.
In the beginning of the Prussian trial, the criterion *Fortuna* also asserted that only the court ordered the Prussian judge to do anything but act as a pro-\textit{visor} to annul the court's act of the plaintiff, which was ordered to take place in 1819. The judgment is fixed in advance.* This statement in itself dis-

credite the Tribunal, for in trial means that a real necessity of capital exists.

It would appear that after the Tribunal had acquired these determinants, had in-

flated restraints of various degree in accordance with the established guilty, and

had reached the external nature of these real arrangements, one would insist that

the Prussian trial was a genuine judicial action, for the Tribunal proceeded on

the basis of institute coordination of loyalty. Yet the same negotiations, after the verdict

became public, finds another diametrically opposed motive also the Prussian trial

was not a fair trial. In the author's opinion if this judicial trial would have been

impartial because the very modern cases as self-evidently guilty of a multitude

of injustice cases that whenever could a literate adult be found who could pretend

to sit as an unweighted judge...*  

*Fortuna* admits the possibility of finding a judge some literate adult,

then Milton S. Enright finds that in general there cannot be found an earth judge


... for (one) must be found among the necessary choice of ways. In the solution, we shall treat the task to find the best means that in order to bring that before a judicial tribunal, those must be treated which would reflect the absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent absent 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To that effect the Charter of the International Military Tribunal inserted a special section (IV) entitled "Fair Trial for Defendants", which established equal fairness to both parties. In the prosecution and to the defense.

Art. 18 provides the following procedure:

"(a) The indictment shall include full particulars specifying in detail the charges against the defendants. A copy of the indictment and of all supporting documents lodged with the indictment, translated into a language which he understands, shall be furnished to the defendant at a reasonable time before the trial.

"(b) During any preliminary examination or trial of a defendant he shall have the right to give any explanation relevant to the charges made against him.

"(c) A preliminary examination of a defendant and his trial shall be donespeedily, or translated into, a language which the defendant understands.

"(d) A defendant shall have the right to conduct his own defense before the Tribunal or to have the assistance of counsel.

"(e) A defendant shall have the right through himself or through his counsel to present evidence at the trial in support of his defense, and to cross-examine any witness called by the prosecution."

Both the prosecution and the defense were given an equal opportunity to prove their case adequately evidence, to call witnesses, to examine and cross-examine them. The particular nature of the trial, in which millions of victims of nearly all territories of Europe are involved, was found to bring about certain departures from the traditional technical rules of evidence. Article 18 of the Charter provides that:

"The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent ordinary and non-technical procedures, and shall admit any evidence which it deems to have probative value.

This article offered the defense a considerable advantage in proving
evidence as to the innocence of one or another defendant. Finally, in order to facilitate the process involved and accelerate the trial it was provided that

"The Tribunal shall not require proof of facts of actual knowledge but shall take judicial notice thereof" (arts. 31 of the Charter, p. 10).

These are in general the basic rules of the procedure which in the opinion of the authors of the Charter were to serve

"for the just and prompt trial and punishment of the major war criminals of the European axis" (arts. 22 of the Charter, p. 10).

Does the trial offer sufficient proof to the effect that the defendant was aware under the historical mission assigned to it

of one of the plans meeting Lord Justice Linstead, President of the International Military Tribunal, while explaining the conduct of the trial and outlining the rights of the defense, stated:

"The purpose which defense counsel are pursuing are important public service in the interest of justice and they still have the protection of the Tribunal in the performance of their duties"

(International Tribunal, Hearing of November 10, 1948)

This statement immediately created an atmosphere of confidence toward the Tribunal. The defense councils realized that their presence at the trial was not a matter of mere formality. They became aware of the fact that they were called upon to help the Tribunal in its difficult task to establish the extent of personal guilt of each defendant. In fact, the defense counsel of Hjalmar Schacht, replied to the Tribunal on behalf of all the defense counsel:
"I have the inexpressible duty, for my colleagues, to thank you for the words you have spoken from the bench. It is inherent function under your direction to further the achievement of a just

"Thenceforth we more confidently in your decision of the trial.""  

(Stafford Davis)

...”

"After careful the trial the man can with this confidence can not

stated from once, despite the fact that all the requests of the defense

counsel, etc., indeed, those of the prosecution, received satisfactory considera-

tion. On the basis of the Tribunal's rulings the defense counsel realized that

the Tribunal was guided solely by law and by the means of truth. Upon reading

the Indictment the President discussed in detail the claims of the Tribunal and

expressed great satisfaction that the prosecution placed at the disposal of the

defense counsel the material it collected

"With the aim of giving to the defendant every possibility for

a free defense" (Stafford Davis) (104th I.A., meeting Dec. 23, 1948).

Having emphasized the historical significance of the trial and the role of

each of the participants in the dialogue of this world tragedy, the President

continued:

"The trial, which is now about to begin is unique in the history of the

jurisprudence of the world and it is of supreme importance to millions of

people all over the globe. For these reasons, there is laid upon everybody

who takes any part in this trial a solemn responsibility to discharge their

duty without fear or favor in accordance with the sacred principles of

law and justice.

The four signatories, having formed the judicial process, it is the duty

of all concerned to see that the trial is no way departs from these prin-
ciples and traditions, which alone give justice the authority and the

place it ought to occupy in the affairs of all civilized states."
Without discussing each incident which occurred during the trial, where in the course of the months the conflicting interests of the prosecution and defense collided often, we shall cite, for the purpose of illustration, a few characteristic instances.

The accused Holschuh, who had his defense on complete ignorance of the defense activities, considered that the tribunal did not protect his interests and refused to answer the questions asked by the prosecutor during his examination as a witness.

The President of the Tribunal explained to him:

"Counsel, not only your own counsel will look after your interests but the Tribunal will look after your interests, and you must answer the questions, please" (Offr Tr., p. 720).

A similar instance occurred with Julius Stöber, who, with his usual arrogance remarked:

"I wish to state that by this INT an undisciplined and therefore just defense was made possible for us" (Offr Tr., p. 800).

The President then said:

"You can rest assured that the Tribunal will see that everything is in the opinion of the Tribunal, that there are no cases or in any way material in your case will be pressed and that you will be given the fairest opportunity of making your defense" (Offr Tr., p. 820).

The prosecutor raised the question of using an evidence of Mr. Rosenberg.
guilt, the diesem of a hanging order were found in his filler. Rosenberg
stated that the document was completely unknown to him and the Tribunal rejected
the Prosecution's request to use the document. The President of the Tribunal then
addressed the Prosecution with the following words:

"You haven't been able to connect him (Rosenberg) with those reports
with the document. He has not signed the document. Nothing comes on
the document and he received it, at least I suppose each, or you would
have put it to him. He says he didn't know the document" (Cf. Ibe. Pux. 51650)

During the examination of the defendant Juchnowski, the Prosecution presented
a statement signed by the defendant in which he admitted the preparation of a
series of acts he was charged with. Allegedly, without knowing his signature, made
the following statement:

"This document was presented to me in the finished form. I asked that
I might read and study this document in my cell and decide whether I could
actually sign it. I was denied this privilege. During the conversation an
officer was called in. The officer told me that he belonged to the Polish
or Russian army, and he told me that if I hesitated too long in signing this
document, it would be given to the Russian authorities. Then this Polish
officer officer informed and saved where Samuel's family was. His family will
have to go to the Russian territory as well. As the father of two
children, I did not think about this matter, but, with consideration for
my family, I signed this document" (Cf. Ibe. Pux. 51653-65).

The Tribunal heard this document as evidence, on the ground that the
defendant said that the document was obtained from him under duress.

The defendants were able to consult their counsel at any time and give their
explanations after having consulted them. It was no secret for the Tribunal that
the examination of the defendants as witnesses was previously rehearsed with their
Defence counsel, during the cross-examination of Kajfasz for defense, the

prosecution had a request for two days and the prosecution requested, in view of the

importance of the defendant's deposition, that he be allowed to see his defense

counsel. The defense counsel raised objections. The President, though admitting

that the request of the prosecution corresponds to the rule of British justice,
prompted the defendant to consult his counsel.

Freedom of expression was granted to the defense in the most urgent matters.

It suffices to read the volatilities statements made by the defense, which
sometimes leaned towards favor, in order to fully realize that they were per-
mitted to speak on everything that was relevant to the indictment.

From 1944 onwards, many of the Soviet prosecution accused in breach
attitude toward Kajfasz's answers in reply to his questions and no longer wanted
to listen to the defendant's explanations, defining them as 'prejudiced.' The

President interrupted the prosecution stating as follows:

"He has given a perfectly clear answer that he did say it and I think he is
willing to give some word of explanation. It is perfectly true that his
explanations are sufficiently long; but he is willing to give some
explanation." (Red Tr., p. 2760).

The issue of freedom of expression was raised to the defense counsel who often
attempted to take advantage of their freedom for the purpose of Nazi or German
propaganda. Thus, the Tribunal was compelled to forbid the mention of the
"The Tribunal believes that there may, of course, be differences of opinion as to the use of words in the course of your argument, but there is no reason for stopping you in the argument you are presenting to the Tribunal." (Page 45, p. 19244-25077)

Shortly before the closing of the trial, after the Tribunal ruled...
admission of new witnesses, of re-examination of the spectators and of substitute
of new defendants, the defense requested that杀人 be re-examined.

Mr. Chief, member of the U.S. Prosecution, objected to this request stating
that it would not add anything new.

"I would be the last one here to try to get out of this very important
trial anything that I thought was really vital or important. I would not
take any action of the defense, to say anything of it, or upon that splendid
record of defense the Tribunal has created."

Despite this objection, the Tribunal deemed it possible to approve the
request of the defense.

In order to have convincing proof as to the possibility of the defense
to produce evidence, it suffices to state that only in the matter of establishing
the nature of the activities of the organization had witnesses of the defense
were interrogated and the following documents submitted: 60,000 affidavits,
among them 25,000 persons concerning the responsibility of political leaders,
150,000 affidavits concerning crimes, and 2,000 affidavits referring to other
groups. This could be done only because the Tribunal helped the defense in every
way, placing at the disposal the entire documentation of the war Tribunal
archives, and listening to every statement made by the defendants and the
defense evidence.

Justice Jackson was right when he stated in his concluding speech that,
"Any result that the pain and critical judgment of plurality could
generate unjustly would not be a victory for any of the countries associated

Anyone who carefully studies the case should be just enough to admit
the exceptional objectivity of the tribunal, though it is difficult to agree
with some of its conclusions. The role of panel trial in democratic countries
in the Hague Code of the defendants. The fix was vigilantly watching these
rights.

Indeed, authority on panel procedure, from the Hague, admitted that
"as far as procedure is concerned, the trial is unprecedented."
The opponents to the Nuremberg Trial did not limit themselves with
stating that the rights of the defendants could not be guaranteed by a court of
justice against war criminals. They also state that the Charter and the trial pro-
ceedings themselves have violated the fundamental principle of criminal law of non
ex post facto. In their opinion the defendants were charged with crimes which
until the drafting of the Charter were not regarded as criminal. Thus, they
contend, is a basic violation of the rights of the defendants and makes the Tribunal
only a screen behind which arbitrary actions are concealed. Every person arrested
by a court must know in advance that the deeds committed by him are on the list of
criminal acts subject to punishment. Moreover, he must also know the degree of
punishment which might be inflicted upon him in the event he is convicted.

After the Hague Conventions of 1899 and 1907 and the Geneva Convention of 1907,
the question of responsibility for crimes committed against war prisoners and
civilians population during the war ceased to be a problem — it became an established
fact. If after World War I, the attempt of punishing the guilty was unsuccessful,
this may be explained only by the overpowering of the Allied-victors who nature to
believe that there were judges in Berlin and left it to the discretion of the German
people to examine the cases of persons responsible for the violation of the
elementary requirements of war conduct and treatment of the civilian population
of the occupied countries.

19 Conventions for the Pacific settlement of International Disputes, Hague,
29 July 1899 and 15 October 1907.
Crime against humanity, though they cannot be described by their particularity and new methods of murder, torture and murder, were regarded as crimes already at the dawn of history. Whether we call the extermination of millions of victims "holocaust" or replace it by the new name of "genocide," does not alter the situation: it will remain the same crime, and the number of the British prosecution was perfectly right when he said that "murder does not cease to be murder because of the quantity of the victims" and that "these defendants are charged also as common murderers." Likewise, the "medical experiments" will not cease to be tortures which caused sickness or death of innocent victims, regardless whether we call it by the new name of "medical" or not, introduced during the trial of Dr. Mengele and Dr. Eisels, or leave the old definition.

Therefore, the strongest criticism is the trial direct their keenest criticism mainly against the fact that aggressive war was first declared illegal by the Charter of the ICT and that individual persons should not bear responsibility for this act of state.

In view of the fact that the Charter connects "persecution on political, racial or religious grounds" with planning and waging of aggressive war, we cite, in a few words, the main question whether the principle of "Black days" since 1941 has been violated in this case.

13) Off. Tr., p. 14257
14) LaAJ, April 10, 1946
As early as 1923 the draft of the Agreement on Limitation of Armaments called on nations to refrain from the employment of aggressive war as an international crime.°

The Geneva Protocol of the League of Nations devoted to the question of the Pacific Settlement of International Disputes, again stated that an act of aggression constitutes a violation of this solemnity and an international crime.°

As members of the League of Nations voted in its favor, the said Protocol provided for a possibility of applying sanctions against a government which would embark upon an aggressive war.

On the 18th Plenary Meeting of the Assembly of the League of Nations,
September 24, 1933, a resolution was adopted to the effect that since aggressive war could never lead to settlement of international disputes, it was an international crime. At the Pan-American Conference held in Havana on February 10, 1933, representatives of 21 Latin-American Republics recognized aggressive war as an international crime against the human species.°

°

17) Sheldon Glueck, a distinguished authority on international law, has written: "...the historic Protocol of Geneva did express the strong attitude of leading jurists and statesmen of most of the nations of the world regarding both the illegality and the criminality of aggressive war." (Sheldon Glueck, The Law of War and Peace, New York, 1946, p. 30.)
The Brussels Treaty of August 27, 1931, known under the "label of Pact,"
purportedly established an instrument for national or international policies. The
states consented to a means of solving international disputes and the signatories
undertook to abide such by peaceful means. Oppenheimer, a recognized authority
in the field of international law, while mentioning this Pact, stated the follow-

"These considerations went even further. Thus, the *Mattei's Treaties*

which enjoyed an excellent reputation as a serious publication, brought an article

of Frugeulle, entitled "Mattei's Treaties of War," in which the author cites it

for granted that privation of the Brussels Pact was proclaimed as a

to be a weapon and it has been recognized as such by a large number of nations.

Hence in our time, valid conditions are possible, although this was not the case in

regard to the war of 1914 and the earlier.*

After analyzing the aforementioned Conventions as well as other conventions

and statements made by various statesmen, Prof. Glueck reaches the conclusion

that there exists "a widely prevalent custom among civilized peoples that

enables a juristic effect to be given to the repudiation of a war of aggression

as not merely "illegal" but "criminal originally."*

18) See sixteen Glueck, *War Crimes, Their Prevention and Punishment,*


19) See sixteen Glueck, *War Crimes, Their Prevention and Punishment,*

New York, 1944, p. 244.
While it seems certain that Prof. Clinton's condition is the result of a serious but not life-threatening injury, it is unclear whether this incident will affect his ability to attend the upcoming conference. The hospital staff is currently monitoring his progress and providing him with the necessary care.

Throughout the day, the staff has been working to ensure that all of Prof. Clinton's needs are met, including regular updates on his condition via the hospital's communication system. The family has also been closely involved in the decision-making process, and they remain hopeful for a positive outcome.

In the meantime, the university has reached out to offer support and resources to Prof. Clinton and his family. The administration is committed to providing any assistance that may be needed during this difficult time.
In the gradual evolution mindset, even before禹禹, may, sharing, contesting, and other acts of violence and manslaughter. The principle of non-aggravation should not be applied to those acts, for even without legal sentences the defendant knows about. To a different nature are acts in themselves unjustified but justified by law on the principles of certain conditions, as for instance, sale of goods at prices above selling during the war. In those cases, naturally, the principle of non-aggravation above may be holding for both the legislator and the judge. The French Revolution proclaimed this principle in acts of protest, and in opposition to the royal house which, under a false pretext (raison d'État), shielded, to eliminate undesirable elements because of personal motives unrelated to the actual facts and charged with acts declared criminal of laws.

The well known of the twentieth century — concentration camps where victims were treated without any legal protection — was not known to the enlightened eighteenth century. The defendant sitting in the presence of at least one of the solving agreements and have好像是 that the defendant agreements may be ratified at the Federal-Telegraph Post. In addition, in a number of cases the defendant carried the weight of judicial contribution.
Under these circumstances, the contention that by including into the indictment charges of planning and engaging in aggressive war the defendants were deprived of the sacred right of knowing that the acts committed by them were criminal and subject to punishment is by no means convincing. The accused knew what they were doing in the course of the year they—by preaching war in their speeches—were preparing for an aggressive war, expecting a Blitz victory. To be sure, there is one formal limitation: the defendants did not know the degree of the forthcoming punishment. But everyone of them was charged with conspiracy which not only contemplated aggressive war but also annihilation of civilian population and prisoners of war. They knew that they would be held responsible for murders and could not be mistaken as to the degree of punishment in case they were convicted.

We wish to mention another objection to the proceedings at Nuremberg which was made by Prof. Rüdig, an outstanding authority in the field of criminal law. In his interesting article, "Justice at Nuremberg," Prof. Rüdig is ready to admit that "The war which Germany planned after 1933 and which she inaugurated after September 1939 was, beyond reasonable question, aggressive war, and therefore punishable as criminal actions may be punished. There would obviously be nothing wrong if such facts were being as: But to turn to the crime for which defendants in this case are charged, they may be held responsible for aggressive war, for which they are directly responsible to public opinion. To hold these defendants criminally responsible is a matter not of common sense.
at the time of commission. 20) Prof. Sells quite rightly states that an international representative or delegate assumes no responsibility for the actions of individuals and that it would be unfair to accuse a soldier for fighting an aggressive war. Public opinion would not agree to it. So forgets, however, that in this case it did not refer to soldiers officers or even generals, but to heads of states who with the aid of some members of the General Staff, such as Keitel, Jodl, Raeder, and Raeder—mentioned by the author— who not only were commanders-in-chief of the sea and army but also authorized the planned aggressive war.

If the theory of law requires the principle of subordination of heads of states to an authority as a remainder of the era of sovereign states and recognizes the possibility of prosecuting them for acts of state, then on this ground the defendants should be acquitted of any responsibility for the highest crime of which they are capable—waging aggressive war. After the Versailles Treaty recognized the legal responsibility of Germany, this question hardly requires any further elaboration.

Justice Jackson in a very lucid and determined fashion answers to all question and disputes as to the responsibility of heads of state: "We do not accept the premise that legal responsibility should be the least where power is the greatest." 21

21) Report to the President, "Trial of the Former German Ministers of State," p. 3.
Desisting the possibility of a fair trial on the ground that the defendant could not be offered the means of defence, that they were charged with acts which, at the time of commission were not regarded as criminal, and that the Tribunal, as a Tribunal of victors, would act according to instructions previously received, the majority of these outline suggest not a Tribunal, but arbitrary sentence in a diplomatic or administrative way, taking as an example the decision of the Vienna Congress concerning Napoleon, or a more recent case - the demand presented to China for extradition of the leaders of the Boxer movement. Thus, proceeding on the principle of maximum punishment for the defendants, the opponents suggest a method whereby the defendants could not only be denied the right to defend themselves publicly, but could hardly be offered even a fraction of the defence possibilities which were offered to the defendants of the Nuremberg trial. By defending the abstract principle of the Tribunal, the advocate of a diplomatic decision on the defendants' fate cannot to balance the scale of Hard necessities by arbitrary actions of the Allian. Fortunately, the Allian did not go along that path. They rejected it as inexplicable with their task, namely, to show, that even in the darkest hour for Europe, law can still prevail and that the world may bear that in the end the predominance of power will be esteem, and law and justice will govern the relations between States.\textsuperscript{23}


\textsuperscript{24} See H. Y. Oweis, \textit{Off. Tr.}, p. 1409.
But the Nuremberg Trial has still another significance and a quite important one, which concerns mainly and directly the Jewish problem. It unfolded an extensive picture of the persecution of Jews, including German subjects of Jewish faith in Germany proper, from the very first day of Hitler’s ascension to power. It was the special object of the long and bitter dispute about the question whether a foreign government may be prosecuted for crimes committed by it against its own subjects. Lord Balfour’s Declaration of October, 1926 limited the competence of the United Nations’ Commission on the Investigation of War Crimes to “crimes committed against nationals of the United Nations (insert).”

Justice Jackson was instrumental in settling the dispute between the official British point of view and public opinion of the United States. In the aforementioned report addressed to President Truman, Justice Jackson stated (footnote):


To a people outraged by the oppressions, the cruellest forms of terror, the large-scale murder, and the wholesale confiscation of property which instituted the Nazi regime within Germany, this witnessed recognition of the greatest disaster of religious, political and racial grounds. Hence this was not the legitimate activity of a state within its own borders, but an aggression to the founding of an international course of aggression..."[26]

These ideas were fully incorporated in the Charter of the JNF and the Indictment. The Nazi leaders were charged with religious, racial and political

persecution not only in the occupied countries but in Germany proper, and not only during the war but in the course of all Nazi activities, beginning with the establishment of the Judenrat — provided these persecutions were connected with the planning, preparation or waging of an aggressive war. While including these ideas into the report to President Truman and into the Indictment, Justice Jackson became at the same time a faithful interpreter of the will of Roosevelt — an ardent advocate of just retribution to Nazi leaders for all crimes perpetrated by them in general and for crimes perpetrated against Jews in particular.

In his declaration of March 24, 1944, while urging the Hungarian government of the responsibility for crimes committed against the Hungarian Jews, President Roosevelt stated that the crimes against Jews “traced by the Führer in the days of peace and multiplied by tens a hundred times in this of war — the deliberate, systematic murder of the Jews of Europe goes on unabated every hour.”

(6) H.R. Report, March 23, 1944. The Task Group of the Conference of the World Jewish Congress held in Atlantic City on (November 20–28, 1944) urged the following: “...the acts for which the countries will be held responsible must include all forms of persecution of racial, religious and political minorities committed in the course of and incidental or preparatory to the war by the Axis and their satellites and collaborators after January 30, 1933 to countries under their control.”
An authentic picture of all final activities was revealed before the
Tribunal and the entire world -- activities directed toward the moral, political,
economic, and, finally, physical extermination of Jews.

The task of this study is to give a general picture of the Tribunal, which
will enter history under the name of Nuremberg Trials. We are not claiming to give
an exhaustive picture, we shall attempt to bring here the basic ideas of the
members of international prosecution in the part referring to crimes against the
Jewish people. We shall attempt to understand the leading motives of the defense
which appealed not only for elements and同情, but even for love to the
defendants, courageously reminding the beautiful words of “I am born to love under
the tree” (Off. Tz., p. 126c). We shall also attempt to relay the important
ideas of the statements made by the defendants themselves, as well as the contents
of the documents written by the latter and intended for future history, which I
unfortunately fell into the hands of its international judges. In presenting
this factual material, our task is not to show what actually occurred, but the
manner in which it occurred, and thus indicate how the government operated, not
beginning with the big offenses which set the machinery in motion and ending with
the smallest deeds, each of which played its part in the general system of
cogs-wheels, grinding everything in their own small spheres of activities.
We shall equally devote our attention to the Chief Plenipotentiary of the Third Reich, whose activities affected the whole nation, and to the unknown plenipotentiary who led the small detachment of the Einsatzgruppen. But we shall confine ourselves only to novel aspects revealed by this trial. Therefore, some well-known facts will not be mentioned here at all.

It was fortunate to undertake such a study only thanks to the freedom which the Tribunal offered both the prosecution and the defense. Only because the Tribunal did not assume a narrow and formalistic point of view, and very liberally approached the question as to what degree one or another document was connected with the charges leveled, was it possible to collect so much evidence which would have disappeared from the face of earth, had not the order been given to gather and preserve them for the trial.

And this is another of the merits of the Nuremberg Trial, which even its opponents ought to admit. Granted that the documents were not destroyed. Would there be another possibility to check them with such an accuracy and objectivity as it was done in Nuremberg? The horrible tragedy of Jews and, for that matter, of all humanity, for Jews always regarded itself rather (though a persecuted one) of the family of civilized nations, will find its historians who will study each document and analyze each description of the victims and their hangmen.
In the matter of "Majestic Peaceful Province of Justice" we are aware that it is a crime to speak of a "peaceful province of law" in connection with the Nuremberg Trial. It is either a deliberately false assertion or an assertion made because of lack of knowledge of the actual trial proceedings and the contribution made by the trial to the discovery of historical truth.

Although we are not in full accord with the verdict, we also believe in the triumph of justice and in relationships between man and nation, will have to be based on the principles expressed by M. de Buc, Chief Prosecutor of France, to the Tribunal:

"I must ask the Tribunal to express the dishonesty and faithlessness of my country for the objectivity and the sincerity with which these trials have been conducted." (Ref. Tr., p. 1429).

For Henry the Nuremberg Trial will be its faithful and indelible description of the unlimited suffering of the Jewish people and the depth of unbridled human cruelty will remain an eternal epitaph on the unknown graves of the six million victims.