The definition of "Crimes against Humanity" is given in Article 6 of the Charter of the ICC. These crimes differ from war crimes: a) in their nature, b) in space, and c) in time of their commission.

Ad a. Characterization of the acts. By means of manifesting the criminal intent, these crimes include common criminal acts like murder and extermination, as well as other acts of violence, as for instance deportation and other inhumane acts committed against any civilian population. The Charter does not give a definition of "inhuman acts" nor does it enumerate any of these, leaving it to the discretion of the Court. Therefore Article 6 substantially differs from the subsequent Articles (7 and 8) where the Charter provides for definite rules, excluding not only any judicial discretion in estimating evidence, but also depriving the Court of the possibility of interpreting the law.

By omitting to give any definition of "inhuman acts," the Charter apparently follows the example of the "Allied Declaration made at the end of the First World War which mentioned "inhuman acts committed in connection with the war of aggression," avoiding any limitation or definition (cf. D. N. Peretz, War Criminals, London, 1944, p. 25).

Consequently, the concept "inhuman acts" may include all acts which are distinguished by their cruelty, besouciness, utter contempt for the human being and his right to life, honor, freedom, and property. Extermination of the Jewish people, food distribution on racial basis leading to physical extinction of the inferior race, denial of medical supplies and care on the same grounds -- these are a few examples clearly illustrating "inhuman acts," of which Nazi made ample use.
In addition to measures which, in the majority of cases, were carried out by the local administration by means of direct acts of violence, the conception of "crimes against humanity" includes "persecution on political, racial or religious grounds or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. From this definition it follows unequivocally that racial or religious persecution, irrespective of the manner in which it is carried out, i.e., whether by means of repressive or discriminatory laws, administrative ordinances, or arbitrary acts of individual officials, regardless of their position — constitute crimes against humanity, if connected with crimes against peace or war crimes. In other words, racial, religious, or political persecutions constitute, within the meaning of the special law of the Charter, crimes against humanity if they were perpetrated during the planning, preparation, initiation, or prosecution of a war of aggression... or in participation in a common plan of conspiracy."

Ad b. 

Time of Perpetration. In distinction from war crimes, which include crimes committed during the period of actual fighting of the belligerent countries, crimes against humanity extend to a larger period of time, embracing the entire period of preparation to war, i.e., virtually beginning with Nazi advent to power, as well as the period during the war, in the narrow sense of the word.

Ad c. 

Space of Perpetration. If crimes and inhuman acts perpetrated by the Nazis in occupied territory are to be regarded as war crimes, the same acts — perpetrated in their own country against the civilian population irrespective of citizenship — constitute crimes against humanity. In this connection the Charter introduces a new principle which goes beyond the limit of the 1907
The Nuremberg Convention concerning protection of the civilian population of occupied territories only. The new principle, however, fully accords with the statement made by President Roosevelt long before the termination of the war (March 24, 1934), designating against the responsibility to be borne for crimes committed against the civilian population within the own territory.

**East Anti-Semitic Measures as Crimes against Humanity.**

After the documents and testimonies of von Blomberg, former Chief of the Wehrmacht, were made public at the trial, there is no doubt whatever that the German General Staff was preparing for war. It offered full and unrestricted support in realizing and carrying out their war plans, of which Hitler made no secret in Mein Kampf (cf., pp. 277, 623, 625, 634, etc., translated by R. Manheim, Boston, 1943).

The predominant idea of Hitler was that the immediate task of Nazis consisted in doing away with the existing disproportion between the numerical strength of the German population and the territory occupied by it. The territorial expansion of the Nazi state is not only the right of the German people but it becomes a duty, for it concerns not merely some little island nation... but the German mother of life which has given the present-day world its cultural picture. (Mein Kampf, p. 554).

The defendants, members of the conspiracy, were fully aware of the fact that the territorial expansion could not be attained otherwise than by war. As an indispensable prerequisite for a successful preparation to waging of an aggressive war and the transformation of Germany into a military camp, the unification of Germany (one Rasse, one State, one Fuehrer) as well as the persecution and extermination of elements who might be opposed to the Nazi system and its aims was necessary. Consequently,
(a) No political parties were tolerated;
(b) Freedom of association for labor and capital and freedom of economic
life were abolished and subjected to the overriding considerations of war;
(c) Loyalty to God, church, scientific truth was declared as incompatible with
the Nazi regime;
(d) The federal structure of the German Reich was destroyed;
(e) Jews, as not belonging to the German race and therefore disturbing this
racial unity, and as adherents to democracy, were to be eliminated from
Germany.

By these devices, a completely unified Germany, capable of preparing and
waging war, was created. The anti-Jewish policy was thus only part and parcel
of the grand process of unification of Germany and could easily be integrated
into the militarization of the State. Hitler stated that National Socialist
strife with such fanaticism against the Jews because it desired to establish in
Germany a new community of the people. In addition to the goal of creating
a monolithic state composed of elements blindly obeying Hitler and sharing the
Nazi ideology, anti-Jewish measures pursued the following two aims in connection
with preparing and waging of a war of aggression:
1. To use anti-Jewish propaganda as a powerful means for the disintegration
of national unity and for the weakening of the morale and the will of resistance
of the prospective enemies in the planned war of aggression;
2. To use Jewish wealth and Jewish physical labor up to the last ounce of
energy for the German State and the German war machine.

The violent anti-Jewish crusade in the racial legislation was an explosive
weapon of deadly efficiency used by the Nazis in all foreign countries in the
hope of provoking serious internal disorders, creating political discord, and
corrupting the State apparatus, thereby undermining the strength of the country and seriously compromising its power of resistance in case of an armed conflict planned by the Nazis. As Walter Ebert put it: "The Jewish question is the dynamite with which we explode the forts where the last liberalist warriors have their former justified way of living with the false ideals of liberty" (Bolshevik, September 13, 1942).

The real purpose of Nazi racial legislation was that it might change the situation among their enemies in their favor. "It is an iron law that a breed... implying as it does mortal danger to the Jews can never be turned back once the people begin to feel the rule of Jewdom in their own body" (The Schwarze Rose, May 27, 1942). Anti-Semitism drove a wedge into foreign democracies, created a powerful fifth column, prepared the ground for future collaborationists and weakened the people's spirit of resistance. Anti-Semitism was to serve as a great factor of division in the international life of Europe. The adoption of racial legislation became compulsory for future vessels of Hitler. In a conversation with the Czechoslovak ambassador, after the annexation of Sudetenland, Hitler declared:

"This vermin must be destroyed. The Jews are our sworn enemies and by the end of this year there will not be a Jew left in Germany.... We will give similar advice to Rumania, Hungary, etc. Germany will seek to form a block of anti-Semite states, so she could not be able to treat as friends states in which the Jews, either through their economic activity or through their high positions, could exercise any kind of influence" (The Negro, February 1936, p. 58).

The same idea was expressed by the defendant Alfred Rosenberg:

"The Jewish question has never been confined to one country or one nation and wise to those who failed to realize the international character" (Bolshevik, Nov. 1-2, 1941, p. 20).
At the early stage Nazis preferred to commit acts of violence alone against Jews. On the day of boycott (April 1, 1933) the 
Deutsche Tagblatt appeared with this headline: 'War at the Jewish World Power,' and the defendant Julius Streicher, official boycott leader, began his article with the following
words: 'In this hour the greatest war of all time is being declared.'

However, government officials were afraid of the reaction which measures of violence against Jews might produce in Europe and America and preferred so-called anti-Jewish legislation to direct action. The answer given by Gnoen
Selter, Chief of the Police in Frankfurt on the Main, to the terrified Jews clearly illustrates the method the Nazis had chosen in the earlier period in order to exterminate them. 'You, Jews, need not trouble. We will be legal, no
less, so that you may become sick of our legality' (Das Schwarze Buch, Paris, 1934).

These words show that the Nazis used law to oppress and exterminate the Jewish people.

The Form of Racial Legislation

The form of anti-Jewish legislation was also unlawful. Hitler and his gang were afraid that some of the socialists and all communists would be against the "Law for the Protection of German Blood and German Honor" adopted at the Reichstag, at that time functioning on the basis of the Weimar Constitution. This measure was pre-
meditated. As early as March 9, 1933, former Reich Minister of the Interior, now defendant Kraft, made the following threatening statement:

'When the new Reichstag convenes on March 21, the communists will be prevented, by useful and urgent work, from taking part; they should again become accustomed to productive labor. The concentration camps will provide ample opportunity for this.'

Arbitrary exclusion of legally elected deputies violated the rights of both the deputies and the Constitution itself. Deposition represented the whole nation and not individual parties. The Grant of Powers law was an emergency
measure designed to combat the state of misery. Only for this purpose was the
Government entitled, exceptionally, to deviate from the fundamental law of
the Constitution. Precedent legislation — contrary to the Constitution —
could not be proclaimed on the basis of the Great Power Law. The Nazis
used this unlawful means for the preparation of an aggressive war.

JEWRY AS an Enemy

Early in January, 1945, the personnel office of the German Army published
a guide for the officers' corps, entitled Vorbeug-Handbuch, with preface by
Alfred Rosenberg. This pamphlet proclaims as a strict and blind obligation for
each National Socialist and soldier of the German Army "to defend it in common
against the enemies of the Eternal Reich" (pp. 2-3). Among these enemies the
first place is assigned to Jewry which "strives to attain world domination." The
pamphlet states that this war is a world conflict of Jewry against the
liberation of the Aryan population from the spiritual and material domination of
Jewry. The spiritual domination of Jewry is manifested in the theory of human
rights in detriment of the old German principle advocating collectivity. But
democracy, but only the Führer represents the people. Democratic principles
exist thanks to the "false Jewish doctrines and were created solely in the in-
terest of Jewry itself" (p. 4). Nationalist and internationalist ideas are of
Jewish origin. Therefore bolshevism serves as an instrument in the hands of
world Jewry to means of which the latter, together with the Jewish Liberal
Anglo-American plutocracy, wants to realize the prediction of the Old Testament
of world dominion by the Jew" (p. 21). "The United States and Great Britain,"
continues the pamphlet, "fight against Germany because the Jew is the chief
war-monger, and the fighting slogan of these countries is the fighting slogan
of Jewry" (p. 24). In conclusion, this official guide-book declares that "this
was an ideological war. Two worlds have met once, brought up on Judeo-Christian,
liberal and democratic principles, the other, on old German tradition of leadership
and totalitarian régime" (p. 132).
The Nazis pictured the revival of the German people as dependent upon the extermination of Jews. "This war," said the defendant Goering, "is a war of races. It is to decide whether the German the Aryan race or the Jew shall rule the world. That is what we are fighting for."

In the Political Testament on the eve of his suicide, Hitler declared once more that this war "was waged and provoked exclusively by those international statements which either were of Jewish origin or worked for Jewish interests... and that the Jew, the real guilty party in this murderous struggle... must be saddled with the responsibility for it" (The New York Times, December 21, 1945).

The primitive conception of the enemy as an outlaw guided the Germans in all relations with Jews not only during the war but in the pre-war period, too. The expression "Jews are our enemies" was not merely rhetorical, nor was it ever made by the Jews, it was their feelings of hostility. Far from it. The Germans interpreted it as a definite legal conception and drew the logical conclusions from it. Jews could not defend their civil rights because Germany and Jews are hostile to each other. This is even more true now that Germany is engaged in a war which was imposed upon her in considerable measure by Jews abroad (Verdict of the London Court, Dussche Recht, 1940, pp. 267-360). In conformity with instructions issued by the Minister of Justice on December 12, 1940, Jews were to be regarded as enemies, according to Sec. 3 of the ordinance concerning the treatment of enemy property (Dussche Justiz, 1940, p. 211). By this ordinance Jews were regarded as enemies, as understood by international law, and therefore still remaining to them after nationalization and confiscation — shared the fate of the property of enemy aliens.
Social Legislation as Preparation for the Extermination of Jews

Anti-Jewish legislation, while purporting its aims in preparing for an aggressive war, consistently and systematically led to the final goal of the war itself — the conquest of territories "free of the local population." The Jewish people was to be educated in the sense that a Jew, as a member of an inferior race, should be exterminated. The entire racial legislation was designed to eliminate Jews from the cultural and public life, to deprive them of their honor, freedom, property rights and even the right to earn a living. A number of discriminatory measures were taken against Jews to serve as a means of education for the German people in strengthening the consciousness of its supremacy and of the conviction that all measures against Jews were permissible. The pogroms staged by the Gestapo were designed not only to strengthen this feeling but also to make in the German people the inherent cruelties so extensively manifested during this war. The Nazis needed this kind of cruelty for the purpose of extermination of the civilian population. In his speech delivered on August 22, 1939 in Berchtesgaden, Hitler, while giving his blessing for the invasion of Poland, stated:


To an even larger extent this was applied to Jews after they were deported to Poland from Central Europe and the Balkans.

The first racial laws barring Jews from civil service and the professions are closely linked with gas chambers through a string and inseparable chain of anti-Jewish laws, regardless whether they bear the false stamp of law or whether they found manifestation in the ruthless manner of administrative or party ar-
hemerocallis. For real leaders, violence was law and law sanctioned violence, thus
may be considered a crime against humanity in connection with the final goal of
aggressive war.

This is why the part referring to racial, religious or political persecu-
tions of Article 6 (c) of the Charter of the IMF should include not only acts
of violence committed against Jews, such as deprivation of liberty, throwing into
concentration camps, ill-treatment, confiscation of property, and the like, but
also legislative measures which destroyed the economic, cultural, and public life
of the Jews, deprived them of their right of honor, life, liberty, work, and
completely outlawed them.