



The Centre for Holocaust Education & Scholarship The Nuremberg Trials

The Nuremberg Trials

1. The war is over. The American, British, French and Russian liberators captured a few Nazis. Immediately arose the question: what should be done with the Nazi prisoners?
2. Initially, the Russians proposed the execution of 50,000 to 100,000 German staff officers; the British proposed summary execution of high-ranking Nazis. Ultimately the Americans persuaded their counterparts that criminal trials should be conducted. The purpose was twofold: to bring Nazi war criminals to justice and to show the world, through the testimony of witnesses and with documentation, what actually occurred.
3. There was no precedent for an international trial of war criminals whereby four powers with different legal traditions and practices would work cooperatively to conduct the trials. But that is exactly what happened.
4. Nuremberg was chosen as the location for practical as well as symbolic reasons. The Palace Of Justice located there was spacious, largely undamaged and had a large prison as part of the complex. In addition, Nuremberg was considered the ceremonial birthplace of the Nazi Party where annual propaganda rallies were held and where the Nuremberg Laws were passed.
5. Laws and procedures governing the Nuremberg Trials were established in the Charter Of The International Tribunal. Three categories of crimes were set out: crimes against peace, war crimes and crimes against humanity. Civilians as well as military officials could be accused of war crimes. Each of the four countries (Britain, United States, France and Russia) provided one judge, one alternate judge and one prosecutor to the effort.
6. The trial format, while a mix of legal traditions, was largely based on the British/American adversarial system. Each defendant could choose his own lawyer (most chose German lawyers). The defendants could call witnesses and could take the witness stand on their own behalf. The evidence was heard and judgments and sentences were pronounced by a panel of four judges without a jury. The trial saw the introduction of the technological innovation, provided by IBM, of instantaneous translation into English, French, German and Russian.
7. In his Opening Statement, Robert Jackson, the chief American prosecutor told the judicial panel:
“The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated.”



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8. Indictments were laid against 24 men and 6 Nazi organizations i.e. the Gestapo. The International Military Tribunal (IMT) opened November 9, 1945. The trials commenced November 20, 1945 and concluded October 1, 1946.
9. The Defendants did not deny the charges but argued in a war, they were following orders and could not be held responsible for following orders of a superior. Prosecutors argued that there is a “custom of war” forbidding murder as distinguished from killing in combat.
10. Most Defendants took the stand. Many claimed to know nothing of the concentration camps. Many argued that they were accused of acts committed before there were laws criminalizing those acts; that this was victors’ justice; that in war all sides commit terrible acts.
11. One Defendant was found to be medically unfit to stand trial, one committed suicide before the trial began and one committed suicide prior to his execution. There were three acquittals. Of those convicted, the sentences ranged from 7 to 10 years, to life in prison. Twelve were sentenced to death.
12. All who were convicted had the right to appeal and did appeal to the Allied Control Council, which was composed of one member from each of the four Allied Powers. The Council had the power to reduce or commute the sentences. All appeals were denied.
13. Then followed trials of lesser Nazi officials. These trials, referred to as the Subsequent Nuremberg Proceedings, were held from December 1946 to April 1949. American Military Tribunals conducted these Proceedings. Differences amongst the four Allied Powers grew to such an extent; joint international trials were no longer possible.
14. Twenty-three Defendants were indicted in the Doctors’ Trials for crimes against humanity and for performing horrific experiments on prisoners. Sixteen Defendants were indicted in the Judges’ Trials for furthering the Nazi plan by enforcing the racist Nuremberg Laws. German industrialists were indicted for using slave labour and plundering occupied countries.
15. Of the 185 accused, 12 received death sentences, 8 received life sentences and 77 received sentences of lesser time in custody, some of which were later further reduced.
16. As one can see from the exceedingly small number of Nazis indicted, the vast majority of Nazi war criminals were not prosecuted and most returned to their past normal lives. Some were secreted out of Germany to South America, Europe or the United States.
17. The definition of what constitutes a war crime is set out in the Nuremberg Principles Of 1950, which were a set of guidelines created a result of the Nuremberg Trials. Although controversial at the time, the Nuremberg Trials had a great influence on the development of



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International Criminal Law and are now regarded as a precedent and the beginning of a mechanism to deal with future genocides and other crimes against humanity.

18. The Nuremberg Trials served as a model for the Eichmann Trial in Israel in the 1960s and for the present day International Criminal Courts in The Hague. The Nuremberg Trials did not succeed in ending wars of aggression, genocide or crimes against humanity all of which have occurred again and again in Uganda, Cambodia, the Balkans, Sudan and Rwanda, sadly to name but a few.

Julius Streicher

Julius Streicher joined the Nazi Party in 1921. As early as 1928, in his writing and his speeches, he began to call for the annihilation of the Jewish people. Streicher was good friends with Hitler and assisted in the promotion of Hitler's party. Their friendship was based on the common belief that the Jew is the very essence of evil.

Streicher became publisher and editor-in-chief of the venomous, antisemitic newspaper *Der Stürmer*. The paper had 600 000+ readers. Week after week, month after month, Streicher used the newspaper to promote Nazi doctrine while spreading hatred and a most virulent strain of anti-Jewish sentiment. In a typical article, he would rant that the Jew was not a human being but a parasite, an enemy which must be destroyed in the interests of mankind. Between August 1941 and September 1944, Streicher published 24 articles, 12 of which he authored and all of which demanded the extermination of the Jews.

Streicher was non-military, was not part of the planning process of the Holocaust, did not set any policy, and did not carry out orders. His one and only weapon was his words inciting the extermination of Jews and turning citizen against citizen.

On the witness stand, Streicher vehemently denied any knowledge of mass execution of Jews but the Court accepted the evidence that made clear he continually received current information on the progress of the "final solution" and that "with knowledge of the extermination of Jews in the occupied East, he continued to write and publish his propaganda of death."

Streicher was convicted of having committed crimes against humanity and was sentenced to death. He was the only Nazi at the Gallows to shout "Heil Hitler."



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Rudolph Hess

Hess became an active member of the SS in 1934. He ran concentration camps at Dachau and Sachsenhausen before becoming commander of the Auschwitz Death Camp in 1940. Acting on instructions from Heinrich Himmler, Hess turned Auschwitz into the largest center for the mass murder of European Jewry. Over 4 million people were systematically put to death in Auschwitz. In November 1943, Hess was moved from Auschwitz to other duties but returned in the summer of 1944 to oversee the murder of more than 400,000 Hungarian Jews.

Hess was tried at Nuremberg. What follows is part of his testimony:

“Don’t you see, we SS men were not supposed to think about these things. It never occurred to us and besides, it was something already taken for granted that the Jews were to blame for everything. We just never heard anything else...We were all trained to obey orders without even thinking. The thought of disobeying an order would simply never have occurred to anybody...I really never gave much thought to whether it was right or wrong. It just seemed necessary.”