

# The Nuremberg Trials

1945-1949

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### ***Principles of international law recognized in the Charter of the Nürnberg Tribunal and in the judgment of the Tribunal.***

On 21 November 1947, one year after the conclusion of the Nuremberg Trial, the United Nations General Assembly adopted resolution 177 (II) entrusting the International Law Commission with the formulation of the principles of international law recognized in the IMT's Charter and final judgment. The Commission formulated seven principles, listed below, which were adopted on 29 July 1950 at its second session. The report of the Commission from that session contains commentaries on the principles.

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#### **Principle I**

*Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.*

#### **Principle II**

*The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.*

#### **Principle III**

*The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.*

#### **Principle IV**

*The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.*

#### **Principle V**

*Any person charged with a crime under international law has the right to a fair trial on the facts and law.*

#### **Principle VI**

*The crimes hereinafter set out are punishable as crimes under international law:*

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

#### **Principle VII**

Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

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### **The Office of the United States Chief of Counsel for War Crimes Trials**

The Office of the United States Chief of Counsel for War Crimes conducted 12 trials, referred to as the Nuremberg Military Tribunals (formally the “Trials of War Criminals before the Nuremberg Military Tribunals”), against 177 defendants in the same courtroom used by the IMT. Those 12 trials were as follows:

#### **Case No. 1. United States v. Karl Brandt, et al.** *“Doctors’ Trial” (also referred to as “The Medical Case”).*

This was a case against 23 leading Nazi physicians and scientists charged with war crimes and crimes against humanity, including murder and medical experiments. The defendants were tried for carrying out a systematic “**euthanasia**” program, the victims of which included the mentally ill and physically impaired. Nazi physicians also performed **pseudoscientific medical experiments** on thousands of Jewish, Polish, Russian and Roma concentration camp prisoners, killing or impairing most victims.

- 7 were acquitted.
- 16 found guilty: 7 were sentenced to death; 5 to life imprisonment; 4 received sentences ranging from 10 to 20 years.

**Case No. 2. United States v. Erhard Milch.**  
*“The Milch Case”.*

Erhard Milch, former German Air Force Field Marshal, was the only defendant. He was accused of (1) participation in the planning and execution of war crimes, namely, the subjection of prisoners of war and foreign nationals to murder, 58 cruel treatment and forced labour; (2) participation in the planning and execution of war crimes, specifically participation in two medical experiments dealing with the effects of high-altitude and freezing; and (3) crimes against humanity.

- Mitch was found guilty of counts one and three and sentenced him to life imprisonment, later commuted to 15 years.

**Case No. 3. United States v. Josef Altstötter, et al.**  
*“Judges’ Trial” or “The Justice Case”.*

The defendants in this case were 16 German jurists and lawyers, namely, judges, **officials in the Ministry of Justice and high-ranking court administrators**. They were charged with **“judicial murder and other atrocities, which they committed by destroying law and justice in Germany, and then utilizing the emptied forms of legal process for the persecution, enslavement and extermination on a large scale”**. They were notably held responsible for implementing and furthering the Nazi “racial purity” program through **Nazi eugenic and race laws**.

- No verdict for 2 defendants: Carl Westphal committed suicide after indictment and a mistrial was declared in the case of Karl Engert, who was largely unable to attend the trial due to illness.
- 10 were found guilty. 4 were sentenced to life imprisonment and the other 6 received sentences of between five and ten years.
- 4 were acquitted.

**Case No. 4. United States v. Oswald Pohl, et al.**  
*“The Pohl Case” (also known as “The WVHA Trial”).*

This was the first of three cases brought against high-ranking SS officials involved in the operation of concentration and labor camps and factories. Charges against 18 defendants, all employed at the WVHA (SS-Wirtschafts-Verwaltungshauptamt, the SS Main Economic and Administrative Office), included imprisonment of civilians of foreign countries and prisoners of war, exploitation, plundering of property and medical experiments.

- 4 defendants were sentenced to death, 3 to life in prison and 8 to prison terms of 10, 20 or 25 years.

**Case No. 5. United States v. Friedrich Flick, et al.**  
*“The Flick Case”.*

This was the first of three trials involving **leading industrialists**. The charges against Friedrich Flick and five other officials of the Flick organization centered on **slave labor and economic plunder of public and private property**.

- 3 defendants were acquitted.
- Flick was sentenced to seven years' imprisonment, and 2 co-defendants received sentences of 5 and 2 ½ years, respectively.

**Case No. 6. United States v. Carl Krauch, et al.**  
*“The IG Farben Case”.*

The indictment against **24 directors of the IG Farben industrial concern** (one of whom was removed from the trial before delivery of the verdict) listed five counts:

- (1) the planning, preparation, initiation and waging of wars of aggression and invasions of other countries;
- (2) plunder and spoliation;
- (3) slave labor;
- (4) (for defendants Christian Schneider, Heinrich Bueteffisch and Erich von der Heyde) membership of the SS, an organization declared criminal by the IMT's judgment;
- (5) engagement in a common plan or conspiracy to commit crimes against peace.

IG Farben worked closely with the Nazi leadership and coordinated the takeover of factories in conquered countries. The organization built the Buna factory in Auschwitz, co-operating with the SS, which supplied slave labor.

- 10 defendants were acquitted, while the others received lenient sentences of between 1 and 8 years of imprisonment.
- Most of those convicted were quickly released, and some became senior executives in German post-war industry.

**Case No. 7. United States v. Wilhelm List, et al.**  
*“The Hostage Case” (also known as the “Southeast Case”).*

This case dealt with 12 generals involved in Germany’s conquest and occupation of Greece, Albania and Yugoslavia. The general summary of the charges was as follows:

- (1) the murder of thousands of persons from the civilian populations of Greece, Yugoslavia and Albania in connection with alleged hostage or reprisal actions;
- (2) participation in plundering, looting or wanton destruction of private and public property;
- (3) participation in the initiation, distribution or execution of illegal orders, such as orders directing that enemy troops be denied quarters and the status and rights of prisoners of war;
- (4) the illegal treatment of civilian populations by murder, torture, persecution, imprisonment in concentration camps, deportation to slave labor and other related acts.

Franz Böhme committed suicide after the indictment, Maximilian von Weichs was removed from the trial due to illness.

- 2 generals were sentenced to life imprisonment.
- 6 defendants received sentences of between 15 and 20 years.
- 2 were acquitted.

**Case No. 8. United States v. Ulrich Griefelt, et al.**  
*“The RuSHA Case”*

This case was brought against 14 leading officials of the Rasse und Siedlungshauptamt (RuSHA) (Race and Settlement Main Office), the Main Staff Office of the Reich Commissioner for the Strengthening of Germanism, the Lebensborn Society and the Office for Repatriation of Ethnic Germans, all organizations implementing the racial programs of the Third Reich.

The defendants were accused, among other things, of being responsible for the **kidnapping of children for Germanization**, the **forcible evacuation of foreign nationals from their homes in favor of Germans**, and the **persecution and extermination of Jews**.

- 1 defendant was acquitted of all charges.
- 5 were convicted solely of criminal membership and sentenced to time served, less than 3 years in each case.
- 8 received sentences ranging from 10 years to life imprisonment.

**Case No. 9. United States v. Otto Ohlendorf, et al.**  
*“The Einsatzgruppen Case”*

Einsatzgruppen were special mobile killing units of the SS, which followed the regular German Army as it advanced into Soviet territory and whose task was to **round up and execute Jews and Soviet political commissars**. From 1941 to 1943, they murdered more than **one million Jews** and **tens of thousands of “partisans”, Roma and Sinti, disabled persons, political commissars and Slavs — men, women and children**.

Otto Ohlendorf, the commanding officer of Einsatzgruppe D, was a high-profile witness before the IMT. The 24 defendants were all leaders of the killing units and were indicted on three counts: **crimes against humanity, war crimes and membership in organizations declared criminal by the IMT**.

- 1 committed suicide and 1 was deemed too ill to stand trial
- 20 defendants guilty on all three counts.
- 2 defendants guilty solely of criminal membership.
- 14 defendants sentenced to death (only 4 of the sentences were ever carried out), 2 defendants were sentenced to life imprisonment, 5 received sentences ranging from 10 to 20 years and 1 released with time served.
- By 1958, none of the defendants convicted in the Einsatzgruppen Case remained in prison.

**Case No. 10. United States v. Alfried Krupp, et al.**  
*“The Krupp Case”*

This was the last of the three industrialist cases. Prosecuted were Alfried Krupp, Head of Krupp Industries, and 11 of his associates. They were accused of having **enabled the armament of the German military forces** and thus having **actively participated in the Nazis’ preparations for an aggressive war**. They were also indicted for **plunder and spoliation activities during belligerent occupations by Germany of neighboring countries**, and for **war crimes and crimes against humanity** in connection with the slave labor program of the Third Reich.

- 1 defendant was acquitted.
- 11 were found guilty and given prison terms ranging from 2 to 12 years; Krupp received the lengthiest sentence and his family business was taken from him. He was released from prison after 4 years and his properties were restored to him.

**Case No. 11. United States v. Ernst von Weizsäcker, et al.**  
*“The Ministries Case”*

Twenty-one members of the **German diplomatic corps** and others involved in international affairs during the Nazi era were brought to Nuremberg to stand trial. Charges depended on the functions and roles of the individual defendants in the Nazi system, and included **crimes against peace** by participating in the **planning and waging of wars of aggression; participating in a common plan or conspiracy to commit crimes against peace; war crimes; crimes against humanity** by participating in atrocities and offences; **plunder of public and private property, exploitation and spoliation of countries under German occupation**; and **membership in criminal organizations**.

- 2 were acquitted.
- 19 received prison terms ranging from time served to 25 years.

**Case No. 12. United States v. Wilhelm von Leeb, et al.**  
*“The High Command Case”*

The 14 defendants, generals, field marshals and an admiral, were charged generally with:

- (1) committing crimes against peace by participating in wars and invasions aggressive in character and violative of international treaties;
- (2) committing war crimes and crimes against humanity by the murder and ill-treatment of prisoners of war;
- (3) committing crimes involving the conduct of the German Army in occupied countries, including execution of hostages, killing of civilians, plunder, persecution on religious, political and racial grounds, and commitment of civilians to slave labor;
- (4) participating in the formulation of a common plan and conspiracy to commit crimes against peace.

Verdicts:

- None of the defendants were convicted of crimes against peace.
- Two of the generals were acquitted.
- 11 (Johannes Blaskowitz committed suicide on the first day of the trial) were found guilty of war crimes and crimes against humanity.
- 2 were sentenced to life imprisonment.
- 9 received prison terms ranging from 3 to 20 years.