



ICJ
STUDY GUIDE

TEDMUN

20

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ANKARA
TED ANKARA COLLEGE
FOUNDATION HIGH SCHOOL
MODEL UNITED NATIONS

Letter From the Secretary General

Dear participants of TEDMUN 2024,

My words could not start without a quote that enlightens and motivates the whole spirit of this conference: “Peace in home, peace in world.” Although Mustafa Kemal Atatürk is known to be a great military commander and a brilliant government man, he was unique. At that time, while most of the leaders had rather aggressive views regarding the importance of International Diplomacy and Foreign Affairs, Mustafa Kemal Atatürk knew that the future of the modern world and a future modern Türkiye must be tenant to diplomacy. It must be reminded that, our hearths and opinions lie within his words, and this conference is assembled through his enlightenment.

TED Ankara College Policy Diplomacy Club has assembled 9 conferences since 2014, and this year we are proud to be the part of the 10th TEDMUN Conference. Becoming a part of the PDC, being an MUN’er and organizing TEDMUN at the end of the 11th grade has turned into a long-lasting tradition of every TED Ankara College member. We are proud to be a part of this long-lasting tradition and glorifying our club. The TED Ankara College Policy Diplomacy Club has a rich history of fostering such principles, organizing conferences that serve as platforms for meaningful discourse and collaboration. As we continue this tradition with the 10th TEDMUN Conference, we stand as proud torchbearers of our club's legacy, committed to upholding the values of diplomacy, mutual respect, and cooperation.



For each of us, participating in Model United Nations represents more than just a simulation; it is an opportunity to engage with diverse perspectives, to forge connections, and to contribute to the collective pursuit of peace and prosperity. As Secretary-General, I am deeply inspired by the dedication and passion that each of you brings to this conference. I hope the best for your contributions to the Model United Nations, and I wish you to enlighten yourselves by recovering the embedded solutions in each conflict. In my opinion, your youth and perspectives will make this conference shine like the North Star in the Arctic.

As we embark on this journey together, let us remember the words of Atatürk and the legacy of TED Ankara College Policy Diplomacy Club. Let us approach our deliberations with open minds, empathy, and a shared commitment to building a better world. I am confident that through our collective efforts, we will not only honour our advisors but also reaffirm our belief in the power of diplomacy to transcend borders and unite humanity.

With warm regards,

Buğra Ermihan

Secretary-General of TEDMUN 2024



Letter From the Under Secretary General

Distinguished participants,

I am Ceylin MUSALI, a 10th Grade student in Arı Private Anatolian High School Pre IBDP. I will be the Under Secretary General for International Criminal Tribunal for the Nazi Germany.

First and foremost, I would like to thank my dear friend, my honorable Secretary General, his deputies and most importantly Head of Specials Kaan Bilgin, for giving me this opportunity. I would like to thank and appreciate my Presidency, the best one I had so far, my dearest daughter Ecem Kalyoncu, her academic skills excites me to team up and attend more conferences with her and Elif Naz Albayrak.

Court committees has always been my favourite and I believe I am privileged to be able to be an USG for this type of committee. With our amazing agenda item that we have chosen, I am more than sure that it will be an ineffable experience for all.

My sincere advice for the committee members is to read this comprehensive study guide thoroughly that I prepared for all of you. Additionally, do not forget to make use of the internet and other resources to investigate this matter.

Ceylin Musalı,

Under Secretary General of ICTR,

email: musaliceylin@gmail.com



Letter From the President Judge

Highly Esteemed Participants,

It's a pleasure for me to welcome you to the first ICJ committee of the TEDMUN conference. I am Elif Naz Albayrak, a 10th grader at TED Ankara College and I will be serving you as the President Judge of the committee. As you all know, this year's ICJ is going to focus on The International Criminal Tribunal for the Nazi Germany. With the submissions made by the advocates and the deliberations of the judges, the outcome of the case will be determined.

I would like to start by thanking the executive team of TEDMUN'24, our Secretary-General Buğra Ermihan, his deputies Kaya Doruk Emral and Erdem Ogeday Uyanuk for their support throughout the process. Also I'm grateful for our Head of Special; Kaan Bilgin. Without his efforts, this committee would not be possible. And my special thanks to Yağmur Zeynep Mutlu for her undeniable help and being by my side whenever I needed. Then, I would like to express my gratitude to the Under-Secretary-General Ceylin Musalı and my Vice President Judge Ecem Kalyoncu for their support during the process. Additionally I would like to mention how hard the TEDMUN team worked to come up with the best for you. Therefore I can guarantee that TEDMUN'24 will be one of a kind.

Last but not least, I want to remind you that it's crucial to read the guide especially for the advocates in order to deeply understand the agenda and come up with the memorials. Also bear in mind if you have any further questions, you can always reach to me via my email: albayrakelifnaz@hotmail.com. Again I hope you find this study guide helpful and have an amazing conference that would be unforgettable!

Kind Regards,

Elif Naz Albayrak.



Letter From the Vice President Judge

Highly esteemed delegates,

I am Ecem Kalyoncu, a 10th grade student at Mehmet Emin Resulzade Anatolian High School, and I will be serving as the vice-president judge in the International Criminal Tribunal for the Nazi Germany.

I want to start off by thanking the executive team of TEDMUN for putting together an incredible conference. Especially our dearest Secretary General Buğra Ermihan and Head of Specials Kaan Bilgin, whose great contribution to our committee cannot be described by our limited vocabulary. Most importantly, I want to thank my honourable Under Secretary General, Ceylin Musalı, who is my MUN mother and the reason I am at the place where I am today. Without her, this committee would not have been possible. I am eternally grateful for every opportunity she has granted me. Finally, I want to thank my president judge, Elif Naz Albayrak, for her contributions.

Both the Presidency and our Under Secretary General worked hard to prepare this guide in the short time granted to us and we are grateful to present one of the most, if not the most important trial for international law of our decade. I wish a fruitful debate and an unforgettable conference to our judges, advocates and prosecutors.

Do not hesitate to contact me on further information about the guide and the committee:

ecemkkalyoncu@gmail.com

Best Regards,

Ecem Kalyoncu



I. Introduction

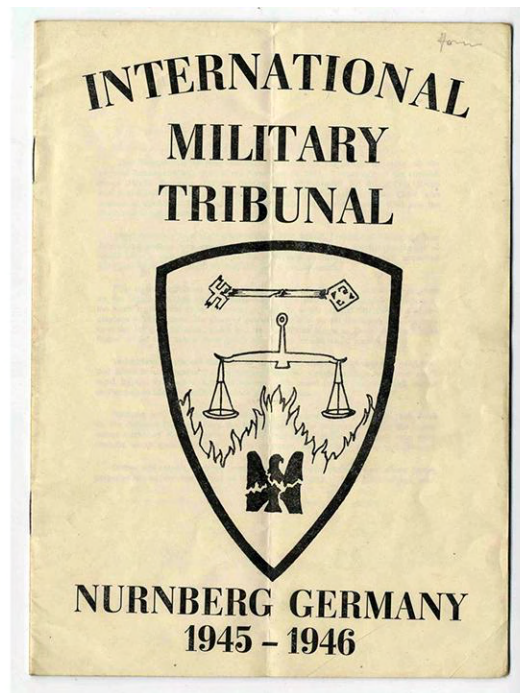
a. History

The Second World War, also known as World War II, erupted universally between the Axis and Partners, two capable coalitions. World War II lasted from September 1, 1939, until September 2, 1945. As member states of these military unions, the incredible powers and the tremendous majority of other countries engaged in combat. The lines between civilian and military resources were blurred as many participating nations committed all of their economic, industrial, and scientific resources to this all-out conflict. The only two nuclear bombs ever used in combat were delivered and populated centers were strategically bombed in large part to aircraft.

Between 70 and 85 million lives were lost in the conflict. Massacres, starvation, disease, mass extermination and genocides like The Holocaust resulted in the deaths of millions of people.



After the defeat of the Axis powers, German and Japanese officials were brought to trial for war crimes.



The war's exact origins remain uncertain, but various theories point to factors like the rise of fascism activities, the Second Sino-Japanese War, Spanish Civil War Soviet-Japanese boundary disputes, and the tensions that post-World War I brought. It is widely accepted that World War II began when Nazi Germany, under Adolf Hitler's leadership, invaded Poland on September 1, 1939. On September 3, Germany was declared war on by the United States, France, and Britain. Poland was split between Germany and the Soviet Union in accordance with the Molotov-Ribbentrop Pact of August 1939, which also outlined their control over Finland, Latvia, Romania, and Estonia. During the period of late 1939 to early 1941, Germany held over a large portion of continental Europe through a combination of military actions and agreements in what was referred to as the Germanic partnership.



World War II transformed global social and political dynamics, laying the groundwork for the international order that influenced the latter half of the twentieth century and the beginning of the twenty-first. The nations who emerged victors in the establishment of the United Nations - China, France, the Soviet Union, the United Kingdom, and the United States - were chosen as permanent members of the Security Council to foster global cooperation and avert future hostilities. The Cold War was put in motion by the Soviet Union and the United States, two competing superpowers. After Europe was devastated, major nations' influence waned, allowing Asia and Africa to break free from colonial authority. The majority of nations that have suffered industrial destruction have shifted their priority to economic development. Because many deaths were not officially reported throughout the battle, there is controversy about the total number of dead. The majority think that 60 million people perished, with 20 million being military and 40 million civilians. Approximately 27 million people died in the Soviet Union during the conflict, including 8.7 million military soldiers and 19 million civilians. 25% of the Soviet people perished as a result of injuries or deaths, whereas 5.3 million German soldiers were killed in action, primarily on the Eastern Front and in Germany's last engagements.

b. Nazi Germany

It is commonly assumed that the racist measures implemented by Hitler accounted for the deaths of 11-17 million civilians, whether directly or indirectly. This included approximately six million Jews annihilated in Holocaust as well as the genocide of the Roma, homosexuals, at least 1.9 million ethnic Poles, and millions of other Slavs. including victims of extermination in Ardyl, such as Russians, Ukrainians, and Belarusians, and other ethnic and minority groups.



Together with that, over 200,000 ethnic Serbs, Roma, and Jews were murdered by the Ustaše movement, which collaborated with the Axis and actively supported it, in Axis-occupied Yugoslavia. The Serb nationalist Chetniks likewise attacked and massacred Muslims and Croats in the aftermath, results recorded than 50,000 – 68,000 fatalities, 41,000 of whom were civilians Victims Authority, 2009. Between 1943 and 1945, the UPA surrounded around 100,000 Poles in Volhynia.

It is not clear how many victims Japanese troops brought to Asia and the Pacific. In 1998, R.J. Rummel told that the Japanese killed from 3 to 10 million people, most often 5-6 million. In even other 5-8 five million Chinese military and police officers were exterminated or massacred in 1937–1945, and the number of Chinese citizens who died may amount to 10-20 million individuals. Some unknown amount of at least 30 million. The Japanese most notorious atrocities, the Nanjing Massacre 1937, abused and murdered between 500,000 and 500,000 Goldensteinug. Mitsuyoshi Himeta said that the strategy of “All Three” led to the extermination of millions of Chinese.

Chemical and biological weapons were used by the Axis armies. During its invasion and occupation of China, as well as in its early wars with the Soviet Union, the Imperial Japanese Army employed a number of these weaponry. These weapons were tested by the Japanese and the Germans against civilians and occasionally against prisoners of war. Any individual detained hostage by a belligerent state during or soon after an armed conflict is known as a prisoner of war (POW). "Prisoner of war" is a term that was first used in writing in 1610. Viet Cong troops transport Captain David Earle Baker, a wounded American prisoner, from a medical tent to a location where prisoners can be exchanged. 27 June 1972: For a variety of legal and illegal reasons, including severing them from enemy combatants still on the ground



(releasing and repatriating them in a disciplined manner following hostilities), showcasing military triumph, penalizing them, bringing charges against them for war crimes, abusing them for labor, enlisting or even conscripting them as their own fighters. According to contemporary rules of war on behavior during war (*jus in bello*), such as the 1949 Geneva Conventions, belligerents are not permitted to engage in combat unless they fulfill specific standards.

Approximately 6 million Jews were killed by Nazi Germany under the Adolf Hitler regime, a period of history, known as the Holocaust. As part of a campaign of planned annihilation, they also slaughtered an additional 4 million people who were judged "unworthy of life," including the mentally sick and crippled, Soviet prisoners of war, Romani, homosexuals, Freemasons, and Jehovah's Witnesses. As a result, they effectively established a "genocidal state." 3.7 million Soviet prisoners of war perished in Nazi camps during the war, with 3.6 million of them being housed in particularly appalling circumstances. Nazi Germany established death camps in addition to concentration camps in order to execute mass executions. Forced labour was widely employed by Nazi Germany.

c. Hitler and his foreign policy

i. The process of rising to power

Hitler joined the German Workers' Party in 1919, which later evolved into the Nazi Party, and it is when his path to power began. He became its leader quite quickly thanks to his oratorical skills and use of propaganda. By taking advantage of discontent during the Great Depression, Hitler rose to national prominence and finished second in the 1932 presidential contest. Hitler won the contest, and as a result of his many strategies, Paul von Hindenburg named him chancellor in January 1933. The Reichstag fire that month served as justification for a



proclamation that superseded all freedom guarantees. The Enabling Act was then approved on March 23, granting Hitler complete authority. upon the merger of the chancellorship and the presidency upon Hindenburg's death on August 2, 1934, Hitler cemented his place as the head of state.

Hitler's acts altered the course of history, making him a figure of tremendous historical importance—a statement that is not intended to be construed positively. He was the one who ignited the Second World War, which claimed over 50 million lives. In addition, it made it possible for a communist movement to finally seize power in China and signalled a dramatic change in power away from western Europe and towards the Soviet Union and the United States. It also helped the Soviet Union expand its influence throughout eastern, middle, and Balkan Europe. Hitler was also in charge of the Holocaust, which saw millions of people as well as six million Jews killed under official sanction.

ii. Policies

Economic

Hitler's economic policies were overseen by Hjalmar Schacht from 1933 to 1937. Hitler benefited from both the world economy's recovery and the effects of the policies his Weimer predecessors had instituted. The economic programmes had two main objectives. Reducing unemployment was the first, and getting ready for war was the second. Unlike in Russia, the Nazi state maintained considerable control over important sectors and resources, but many companies were nevertheless permitted to operate under stringent government regulations. The enormous growth of the German military and armaments industry was one of the most important economic initiatives. This not only contributed to the decline in unemployment but also set the stage for World War II. Conscription to the army began in March 1935 and contributed to a further decline in unemployment. A large portion of this was financed by



complex and dubious legal deficit financing, most famously through the widely used "Mefo Bills," which were government credit notes that assured investors of interest. Hermann Göring's 1936 Four-Year Plan prioritised rearmament-related businesses in an effort to get the German economy ready for full-scale war.

As with political and economic policy, Nazi social policies were concerned with furthering the ideological goals of creating a Volksgemeinschaft (people's community), and also with the more pragmatic concern of generating popular support for the regime.

The goal of the Nazi initiative to establish a new peoples community was to repair the "damage" caused by the Weimar Republic, when women had gained a great deal of social and political freedom. Similar to Mussolini's Italy, a woman's societal obligations were to her children, her kitchen, and her church. This was to be accomplished by creating consent and using a combination of coercion and persuasion. In 1933, 19 000 female civil servants were laid off, and 15% of female teachers lost their positions. Only 10% of university spots were awarded to women due to quotas. As a result, between 1933 and 1937, the percentage of women employed fell from 37% to 31%. Abortion became illegal in 1933, family planning facilities shuttered, and contraception was very impossible to get. Nazi attempts to control the arts, media, and educational system in order to mould a national world view in their own image. The "Aryan" physical archetype—blonde, attractive, tall, slender, and powerful—was the ideal. Pictures portrayed "racially pure" ladies who were in good health and were typically in domestic environments with kids around. Women were at last rewarded for acquiescing to Nazi ideology. With the help of loans that covered little more than half an average year's salary, the "Law for the Reduction of Unemployment" of June 1933 encouraged women to quit their jobs after getting married.



When it comes to the Church, in the 1930s, there existed a complicated connection between the Nazis and the major Christian churches. In general, the Nazis' rejection of Weimar principles was supported by both the Catholic and Protestant leaderships. Traditional Christian values were fundamentally undermined by the liberal, secular, and permissive nature of Weimar culture. Christian groups found great appeal in Hitler's socially conservative world view, his resistance to atheistic Marxism, and the rampant anti-Semitism of the Nazis. The Nazis believed that the church needed to be treated with caution. The church may be a deadly enemy since it is a potential rival for people's allegiance. In July 1933, Hitler signed a contract with the Catholic Church.

According to the Nazis, the Jews caused the 1918 "stab in the back" and the 1923 hyperinflation catastrophe by their covert collaboration with the Marxists. However, in 1933 the Jewish community of Germany numbered only about 525,000, making up less than 1% of the total population. At the time, there were more Jews working in professional positions than the national average, which led to jealousy and contributed to the spread of Nazi propaganda. Goebbels persisted in depicting Jews as alien and dangerous. Antisemitic legislation and practices developed gradually but gained importance over time. The 1935 Nuremberg Laws, which denied German Jews their citizenship and prohibited Jewish-German marriage and sexual contact, are two notable examples.

Education

The best approach to increase support for an authoritarian government is to gradually implant the regime's values in the youth rather than using force. Like in other authoritarian nations, Nazi Germany's youth policies aimed to create adults who accepted the Nazi Weltanschauung as a legitimate, "common sense" way of looking at the world. Traditional hierarchies and the authority of head teachers were strengthened in schools. Different curricula were taught to boys



and girls, and instructors were compelled to join the Nazi Teachers' Association. Traditional subjects were changed in Nazi Germany's classrooms. German education, for instance, placed a strong focus on national and folk customs, and even maths and science—particularly biology—were intended to support Nazi ideology. Certain disciplines, including athletics and physical exercise, were given more curriculum time, while new subjects, such as racial sciences, were added to the curriculum. The educational chances for girls declined. They only offered disciplines related to housekeeping, and by 1939, very few women were continuing their education at universities. A national organisation that sought to educate young Germans 'physically, intellectually, and morally in the spirit of National Socialism to serve the nation and the community' was established under the Nazis from the millions of young people who had belonged to various religious, political, and athletic groups in the 1920s.

iii. Keys to foreign policy

Without a doubt, the effectiveness of Nazi foreign policy following 1933 contributed significantly to the establishment of Nazi rule and the creation of sincere public support for it, which peaked with the military campaign's victory in 1940. A large portion of German politics in the years preceding Hitler's ascent was shaped by the terms of the Treaty of Versailles. Hitler, however, made it a priority to destroy the treaty as part of his foreign strategy. Hitler's removal of Germany from the League of Nations and withdrawal from the Disarmament Conference were his first significant moves on the global scene. Hitler experienced a setback in July 1934 when the attempted Nazi coup in Austria failed. Mussolini ordered Italian troops to the border between Italy and Austria because he was beginning to have doubts about Hitler and his objectives, which contributed to the coup's failure. Hitler was forced to concede since he could not risk a military conflict with Italy. Hitler declared on March 16, 1935, that conscription



would once again be used to increase the size of the army. In addition to decreasing unemployment, this won the backing of nationalists and conservative organisations. The concept of autarky and the choice to rearm were linked to this policy.

The year 1936 represents a watershed in the development of Nazi foreign policy. Germany remilitarized the Rhineland by taking advantage of Mussolini's actions in Ethiopia as a diversion. Germany and Italy began working together more closely as a result of the League of Nations' weak response and the international condemnation of both Hitler and Mussolini. Their combined support for Franco's anti-democratic forces during the Spanish Civil War was the clearest example of this. Germany then ratified the Anti-Communist Pact, first with Italy in January 1937 and then with Japan in November 1936.

Hitler now went ahead and annexed Austria and the Sudetenland in Austria, achieving a number of long-term objectives with the assurance of Italy. With the acquisition of the remaining portion of Czechoslovakia in March 1939, he made a significant step towards war. In September 1939, he invaded Poland to start the Second World War, having secured the USSR's support in August 1939.

When World War II began, there were initially worries among German citizens regarding the invasion of Poland. Nazi propaganda, however, reassured the populace of the importance of these goals. The Nazis were sure that if they won more minor conflicts, people would continue to support their goals and they would continue to hold onto power. The Blitzkrieg tactic clearly worked: Poland was subjugated and conquered in less than a month, with little to no German troop casualties. Hitler's popularity peaked in the summer of 1940 with his triumph over France. What the German empire had failed to accomplish in World War One, he had accomplished in a matter of months and at a relatively low cost.



The last turning point and the beginning of the progressive decline of Nazi Power was the Nazi invasion of the Soviet Union on June 22, 1941. Some of the biggest engagements with the highest death toll occurred on the eastern front. The United States entered the war against Germany in December, but its industrial war production lagged behind that of the Allies. The Italian Grand Fascist Council decided to remove Mussolini in July 1943 after realising the war was lost. Hitler made a number of significant strategic blunders as a result of his increasingly unpredictable wartime activities. After the Nazis were driven out of the East, a second front on the beaches of Normandy was established in June 1944. Germany persevered in its fight to the very end, demonstrating how successful Hitler and the Nazis' rule had been. The war ended only with Hitler's death on April 30, 1945, which occurred just two days after Mussolini was humiliatingly murdered by a mob.

d. The concept of the Holocaust

The Holocaust was the systematic, state-sponsored persecution and murder of six million European Jews by the Nazi German regime and its allies and collaborators. The Holocaust was an evolving process that took place throughout Europe between 1933 and 1945.

Because the Nazis were deeply antisemitic, they specifically targeted Jews. This indicates that they harboured prejudice and hatred towards Jews. Actually, the cornerstone of their worldview and a fundamental component of their philosophy was antisemitism. Jews were wrongly blamed by the Nazis for Germany's social, political, economic, and cultural issues. They specifically held them accountable for Germany's loss in World War I (1914–1918). These Nazi assertions were accepted by some Germans. In German society, antisemitism has been on the rise as a result of anger over the war's defeat as well as the subsequent political and economic unrest. Many Germans were more receptive to Nazi views as a result of the Weimar Republic's instability (1918–1933), their dread of communism, and the Great Depression's



economic shocks. However, the Nazis did not invent antisemitism. Antisemitism is an old and widespread prejudice that has taken many forms throughout history.

The Holocaust was an Axis and German-controlled project that was initiated by the Nazi Germans. It had an impact on almost all of the 9 million Jews living in Europe in 1933. Following Adolf Hitler's appointment as chancellor in January 1933, the Holocaust broke out in Germany. Jews were instantly barred from German economic, political, social, and cultural life by the Nazi German administration, which referred to itself as the Third Reich. The regime put growing pressure on Jews to leave during the 1930s.

However, the Nazis' persecution of Jews did not stop in Germany. Nazi Germany conducted an assertive foreign policy during the 1930s. World War II, which started in Europe in 1939, was the result of this. German rule over millions more Jews was ultimately brought about by prewar and wartime territorial expansion.

II. International Criminal Tribunal for the Nazi Germany

Background

On 13 January 1942, the Allied leaders of Great Britain, the United States and the Soviet Union issued a declaration with the title “Punishment for War Crimes.” The declaration included a “stern warning” to demand prosecution for the crimes committed by Germans in the nine governments of exile (Belgium, Czechoslovakia, Free France, Greece, Luxembourg, Netherlands, Norway, Poland, Yugoslavia).

In compliance with “Punishment for War Crimes”, the governments of the United States of America, United Kingdom, the Soviet Union, and Republic of China released a joint four-



nation “Moscow Declaration” on 30 October 1943, following the Moscow Conference. The declaration stated its aim as “establishing and maintaining international peace and security”. The text further stated that German officers and men and members of the Nazi party would be sent back to the countries where they had committed their crimes. If the aforementioned officers' crimes had no particular geographical localization, they would be punished by joint decision of the governments of the Allies.

Establishment

The London Conference, held in the summer of 1945, was the negotiation ground for the procedure of the planned prosecution and trial. There were many procedural and legal problems with setting up the trials. Firstly, there was no precedent of war crimes and violation of humanitarian law against a governments’ of citizens. And despite the fact that there were previous prosecutions of war crimes, these instances only concerned laws of a single nation, rather than a group of four (France, United States, the Soviet Union and United Kingdom).

The procedure for the trials was finally established with the London Agreement and Charter, also referred to as the Nuremberg Charter of the International Military Tribunal (IMT), issued on August 8, 1945. On the contrary of the traditional trials of international law, the charter held individuals and members of organisations responsible, rather than governments.

The Structure

Rule 8. Secretariat of the Tribunal.

(a) The Secretariat of the Tribunal shall be composed of a General Secretary, four Secretaries and their Assistants. The Tribunal shall appoint the General Secretary and each Member shall appoint one Secretary. The General Secretary shall appoint such clerks, interpreters, stenographers, ushers, and all such other persons as may be authorized by the Tribunal and



each Secretary may appoint such assistants as may be authorized by the Member of the Tribunal by whom he was appointed. (McKeown, 2014)

All four countries (France, United States, the Soviet Union and United Kingdom) appointed one judge, one alternate judge, and a prosecution team. The presence of the main four judges were necessary to reach the quorum. The alternate judges were included in the deliberations but were not granted a vote.

(Overhead photo of the judges of the Nuremberg trials.)



Jurisdiction

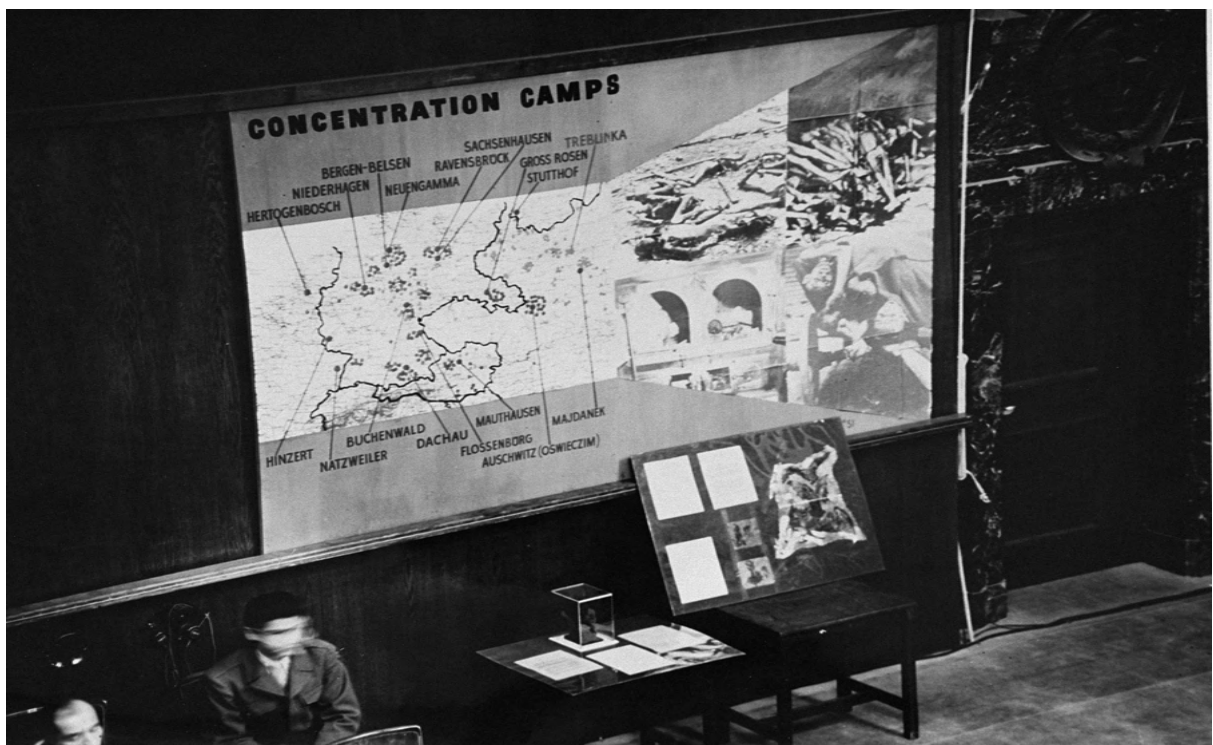
The jurisdiction of the tribunal was established in Article 6 of the charter. The charter declared the acts of: crimes against peace, war crimes and crimes against humanity as of individual responsibility. The charter included “participation in a common plan or conspiracy” to commit crimes against peace and granted the trial for persons to be tried for such crime. Article 7 and 8 of the Charter also determined that any Heads of State or officials and any subordinates following orders shall not be freed from responsibility:



Article 7: The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

Article 8: The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

After the trial of any individual member of a group or organisation, the Trial may declare the said group or organisation, in relation to the individual's actions, as a criminal organisation. If a certain organisation was declared “criminal”, its members could be tried for membership to a criminal organisation.



(A large chart documenting the operation of the Nazi propaganda machine is posted in the courtroom at the International Military Tribunal trial of war criminals in Nuremberg.)



Crimes against peace

The charter defined crimes against peace as:

(a) *Crimes against peace*: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

The Charter thus distinguishes between two categories of crimes against peace: (Preuss, 1950)

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

(2) Participation in a common plan or conspiracy for the accomplishment of "any of the foregoing".

The indictment followed this distinction, Count one of the indictment charged the defendants with participating "in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, crimes against peace, war crimes, and crimes against humanity, as defined in the Charter." Count two charged the defendants with participating "in the planning, preparation, initiation and waging of wars of aggression, which were also wars in violation of ,international treaties, agreements and assurances" (Pritt, 1945) The Tribunal disregarded the charges on count one that the defendants conspired to commit war crimes and crimes against humanity, on the ground that "the Charter does not define as a separate crime any conspiracy except the one to commit acts of aggressive war." Of the charges on count one it consequently considered only "the common plan to prepare, initiate and wage aggressive war". (82 *U.N.T.S.* 279. p.56)



War crimes

The charter defined war crimes as:

(b) War crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be 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 or 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;

The Court stated that they were bound by this definition of war crimes. The indictment charged defendants with the conspiracy to commit war crimes, but these charges were disregarded as the Charter does not define the conspiracy as a separate crime.

The Court also stated the definition used in Article 6 *(b)* was already recognized under international law. They were covered by articles 46, 50, 52 and 56 of the Hague Convention of 1907, and articles 2, 3, 4, 46 and 51 of the Geneva Convention of 1929. That violation of these provisions constituted crimes for which the guilty individuals were punishable is too well settled to admit of argument. (82 *U.N.T.S.* 279. p.79) Therefore, the Court concludes that violations of war ethics also constitute a breach of international law.

Crimes against humanity

The charter defined crimes against humanity as:

(c) Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of 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.

The Court declared itself to be bound by the definition stated in the Charter. The charges for conspiracy to commit crimes against humanity were disregarded with the same reasoning on war crimes.

The Court stated that crimes against humanity can be committed both by persons acting as organs of the State and by individuals in their private capacity, as illustrated by the cases of Von Schirach and Streicher. Von Schirach was found guilty of such crimes because of his activities as "Gauleiter" and Reichs Governor in Vienna. Streicher's crime, on the other hand, was incitement to murder and extermination of the Jews and was committed by him as publisher of a weekly newspaper. (Preuss ,1950)

Individual criminal liability

It is a basic principle of criminal law that individual criminal responsibility for a crime includes attempting to commit such crime, as well as assisting in, facilitating, aiding or abetting, the commission of a crime. It also includes planning or instigating the commission of a crime. (ICRC Database, n.d) As stated in the Hague Convention: No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible. (*Second International Peace Conference, The Hague, 1907*)

The Court defined the crimes within its jurisdiction that should have individual liability under Article 6 of the Charter. The Court also reaffirmed the individual criminal liability under international law: Crimes against International Law are committed by men, not by abstract



entities, and only by punishing individuals who commit such crimes can the provisions of International Law be enforced. (82 *U.N.T.S.* 279. p.55)

Additionally, the Court states any defendants acting as subordinates or any heads of state shall not be freed from individual responsibility. “The authors of these acts cannot shelter themselves behind their official position in order to be freed from punishment in appropriate proceedings. (...) He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State if the State in authorising action moves outside its competence under International Law.” (82 *U.N.T.S.* 279. p.56)

Scope

Some of the problems in international law previously encountered by the Allied states were included in the scope of the charter.

After World War I, many people in the Allied countries had called for Germany’s Kaiser Wilhelm II to be tried as a war criminal, but the Treaty of Versailles made no provision to hold individual Germans accountable for their actions during that earlier conflict. (Bamford ,2020) Before the charter, no statute defined aggressive war, no penalties were fixed for the convictions and no court was created to put the offenders on trial. On that basis, the aims of the Allied states conflicted with the principle “*nullum crimen sine lege, nulla poena sine lege*” (“no crime without law, no punishment without law”). Since no penalty was fixed for individual offences for aggressive war, neither Wilhelm II nor Nazi officers could be tried.

The Allied states hoped the aforementioned problems would be solved within the charter. The Nuremberg Charter is the first instrument to prosecute offenders. As stated in Article 6 of the Charter, the tribunal was established “for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in



the interests of the European Axis countries, whether as individuals or as members of organisations.” The scope of the Charter also included educating Germans for the extent of the atrocities committed by Nazi Germany and denazifying Germany. All charges in the scope of the charter cover 25 years, from the formation of the Nazi Party in 1919 to the end of the war in 1945.

III. The Nuremberg Trial and It’s Outcome

The prosecutors of the International Military Tribunal, chose 24 defendants to be tried on the counts of: Count One: The common plan or conspiracy, Count Two: Crimes against peace, Count Three: War crimes, Count Four: Crimes against humanity. Many prominent members of the Nazi Party, such as Adolf Hitler, Joseph Goebbels Heinrich Himmler could not be tried due to suicides before the trial. The indictments were given on October 19, 1945 and the trial started the next day in Nuremberg, Germany. The hearings ended on September 1, 1946 and on October 1, the Tribunal handed the verdicts. The Allied Control Council rejected all appeals.



(A large chart documenting the operation of the Nazi propaganda machine is posted in the courtroom at the International Military Tribunal trial of war criminals in Nuremberg.)

The individuals named in the indictment:

Hermann Göring (Hitler's heir designate, Reichsmarschal)

The evidence shows that Göring was the most prominent man in the Nazi regime after Hitler. He was known as the second command to Hitler, and he testified that Hitler kept him informed of all important military and political problems. He was also the head of the German Air Force (Luftwaffe).

Göring was indicted and found guilty of all four counts. He was sentenced to death by hanging but committed suicide a day before the scheduled hanging.

Rudolf Hess (Deputy Leader of the Nazi Party)

Hess was a deputy to Hitler and was responsible for handling all party matters. Hess was the closest personal confidant of Hitler and had the authority to make decisions on his name. He also was involved in the preparation of war and approved decrees persecuting Jews.

Hess was indicted on all four counts. He was found guilty on Counts One and Two and was found not guilty on Counts Three and Four. He was sentenced to imprisonment for life.

Joachim von Ribbentrop (Foreign Minister)



Ribbentrop was Hitler's adviser on diplomatic matters and was the representative of Nazi party on foreign policy. He was appointed to foreign minister in 1938. He helped with the deportation of Jews to concentration camps.

Ribbentrop was indicted and found guilty on all four Counts. He was sentenced to death by hanging.

Wilhelm Keitel (Chief of Staff of the German High Command)

Keitel was the chief of staff of German High Command of the Arm Forces during the Nazi regime. He planned the invasion of the USSR, Belgium, Poland and many other countries. He gave orders to kill communists and citizens of the Allied states.

Keitel was indicted and found guilty on all four counts. He was sentenced to death by hanging.

Wilhelm Frick (Minister of the Interior)

Frick held numerous positions chief Nazi administrative specialist and bureaucrat which gave him access to plans of any military actions. In connection with his duties at the centre of all internal and domestic administration, he became the Prussian Minister of the Interior, Reich Director of Elections, General Plenipotentiary for the Administration of the Reich, and a member of the Reich Defence Council, the Ministerial Council for Defence of the Reich, and the "Three-Man Council." (82 *U.N.T.S.* 279. p.117) Frick had access to information about the extensive levels of torture in hospitals and asylums. He also issued and signed legislations ordering the extermination of Jews.



Frick was indicted on all four counts. However, he was found guilty on Count Two, Three and Four; and found not guilty on Count One. He was sentenced to death by hanging.

Ernst Kaltenbrunner (Head of Reich Main Security Office)

Kaltenbrunner was the representative of the Austrian SS and was part of the plans to end the reign of the government in Austria. He was involved with the Gestapo, the SD and the Criminal Police. He ordered the transfer and the killing of 4 million Jews. He also issued orders of the torture and ill-treatment of Jewish prisoners of law and slave labourers.

Kaltenbrunner was indicted on Counts One, Three and Four. He was found guilty on Counts Three and Four and was found not guilty on Count One. He was sentenced to death by hanging.

Hans Frank (Governor-General of occupied Poland)

Frank's career began as a personal attorney and legal advisor of Hitler. Frank held positions such as President of the Academy of German Law until he was dismissed from the position as a result of a dispute with Himmler. (*Nuremberg Indictments*, n.d.) He was involved in the invasion of Poland. He was quoted saying "Poland shall be treated like a colony; the Poles will become the slaves of the Greater German World Empire." (82 *U.N.T.S.* 279. p.115)

Frank was indicted on Count One, Three and Four. He was found guilty on Counts Three and Four, and was found not guilty on Count One. He was sentenced to death by hanging.

Baron Konstantin von Neurath (Governor of Bohemia and Moravia)



Von Neurath was a diplomat and he served as the Minister of Foreign Affairs between 1932 and 1938. He was allowed to resign from the party in 1938, but decided to continue as Reich Minister instead. He was responsible for proclamations and memorandum repressing citizens of Czechoslovakia. (*Nuremberg Indictments*, n.d.)

Von Neurath was indicted and found guilty on all four counts. He was sentenced to fifteen years imprisonment, however, he could not finish his sentence due to health reasons.

Erich Raeder (Head of the Navy)

Raeder acted as the Head of the Naval Command between 1928 and 1943, until he was replaced by Dönitz by his own request. He admitted that the German Navy violated the Versailles Treaty. The most serious charge against Raeder is that he carried out unrestricted submarine warfare, including sinking of unarmed merchant ships, of neutrals, and non-rescue and machine-gunning of survivors, contrary to the London Protocol of 1936. (82 *U.N.T.S.* 279. p.133)

Raeder was indicted on Counts One, Two and Three. He was found guilty on all three Counts and was sentenced to imprisonment for life.

Karl Dönitz (Raeder's successor)

Dönitz was Raeder's successor as the Commander-in-Chief of the German Navy. He also succeeded Hitler as the Head of State on May 1st, 1945. He was involved in waging unrestricted submarine warfare. He also moderated the creation of the U-boat arm of the Navy, which violates the Versailles Treaty.



Dönitz was indicted on Counts One, Two and Three. He was found guilty on Counts Two and Three, and was found not guilty on Count One. He was sentenced to ten years imprisonment.

Alfred Jodl (Chief of Operations for the German High Command)

Jodl was appointed Chief of the Operations Staff of the High Command of the Armed Forces in 1939. His superior was defendant Keitel. However, he was the initial planner of the war, and planned the attacks on Czechoslovakia, Norway, Greece and Yugoslavia. Although he was a loyal soldier to Hitler, no evidence that supports the mitigation of Article 8 could be found.

Jodl was indicted and found guilty on all fours. He was sentenced to death by hanging and was hanged in Nuremberg in 1946.

Alfred Rosenberg (Minister for the Eastern Occupied Territories)

Rosenberg was Chief Nazi Philosopher. He was the Nazi Party's ideologist and spread the doctrine. He also handled party matters in 1923 while Hitler was in jail. Rosenberg helped plan the attack on Norway. He developed policies of Germanization, exploitation, and extermination of opponents of Nazi rule. His directives provided for the segregation of Jews in Ghettos, facilitating their mass killing. He set quotas of labourers to be sent to the Reich. (Wellman, n.d.)

He was indicted and found guilty on all four counts. He was sentenced to death by hanging.

Baldur von Schirach (Head of the Hitler Youth)

Von Schirach was Reich Youth Leader of the Nazi Party and then became Leader of Youth in the German Reich and the Head of Hitler Jugend after the Nazi party came into power. He took



down all youth groups who competed with Hitler Jugend. Von Schirach trained members of the youth to be replacements for the SS and subjected them to Nazi propaganda.

Von Schirach was indicted on Count One and Four. He was found guilty on Count Four and was found not guilty on Count One. He was sentenced to twenty years imprisonment.

Julius Streicher (radical Nazi antisemitic publisher)

Streicher was one of the earliest members of the Nazi Party and was the publisher of *Der Stürmer*, an anti-semitic newspaper. He advocated for the Nuremberg Decrees of 1935 which legalised the persecution of Jews. He supported the extermination of Jews and supported boycotts of Jewish businesses.

Streicher was indicted on Counts One and Four. He was found guilty on Count Four and not guilty on Count One. He was sentenced to death by hanging.

Fritz Sauckel (Plenipotentiary of the Nazi slave labour program)

Sauckel established the Nazi labour programme in Germany to which more five million were subjected. He used his authority to implement compulsory labour services in occupied territories.

Sauckel was indicted on all four counts. He was found guilty on Counts Three and Four, and was found not guilty on Counts One and Two. He was sentenced to death by hanging.



Albert Speer (Minister of Armaments)

Speer served as the Reichminister of Armaments and Munitions. He was one of Hitler's closest friends and personal architect. Although not active in planning the war, he was involved in the labour programme. He also acted as the Head of the German Labour Front.

Speer was indicted on all four counts. He was found guilty on Counts Three and Four, and was found not guilty on Counts One and Two. He was sentenced to twenty years imprisonment.

Arthur Seyss-Inquart (Commissioner for the Occupied Netherlands)

Seyss-Inquart served as the State Council in Austria, then the Reich Commissioner for the Netherlands. He was involved with shooting or torturing the opponents to the invasion. He also supported the compulsory labour programme of the Nazi Party and used his authority to send labourers to Germany.

Seyss-Inquart was indicted on all four counts. He was found guilty on Counts Two, Three and Four, and was found not guilty on Count One. He was sentenced to death by hanging.

Martin Bormann (Hitler's adjutant)

Bormann was the Head of party chancellery and Hitler's personal assistant. He controlled all party legislation. He directly supported the annihilation and persecution of Jewish people and issued orders for the labour programme. He disappeared after Hitler's death. Since Article 12 of the Nurember Charter allows for court proceedings in the case of the defendant's absence, he was tried *in absentia*.



Bormann was indicted on Counts One, Three and Four. He was found guilty on Counts Three and Four, and was found not guilty on Count One. He was sentenced to death by hanging (*in absentia*).

Hans Fritzsche (Head of News Division of the Nazi Propaganda Ministry)

Fritzsche was a German journalist and propaganda ministry official (Nuremberg Indictments, n.d.) with his own news programme called “Hans Fritzsche Speaks.” In 1932, he was made head of the Wireless News Service for the Reich Government. He worked for Joseph Goebbels, the head of Nazi propaganda.

Bormann was indicted on Counts One, Three and Four. He was acquitted of all charges.

Walther Funk (Minister of Economics)

Funk was the Minister of Economics and the head of Reichsbank. He assisted in the attack on the USSR. His role in party economics helped him with the aryanization of Jewish property. He ordered the belongings of Jewish people into the SS.

Funk was indicted on all four counts. He was found guilty on Counts Two, Three and Four, and was found not guilty on Count One. He was sentenced to lifetime imprisonment.



Franz von Papen (Vice-Chancellor)

Von Papen was the Chancellor of the Reich and then Vice-Chancellor in the Hitler Cabinet. He supported the Australian Nazi Party. However, he criticised many of Hitler's choices, such as the restrictions on media and "personal liberties."

Von Papen was indicted on Counts One and Two. He was acquitted of all charges.

Hjalmar Schacht (Reichsbank President)

Schacht served as Commissioner of Currency, President of the Reichsbank, and Minister of Economics from 1923 to 1930. (82 *U.N.T.S.* 279. p.124) He used his authorities to organise the economy for war.

Schacht was indicted on Counts One and Two. He was acquitted of all charges.

Robert Ley (Head of the German Labor Party)

Ley was indicted on all four counts. He committed suicide on 25th October, 1945.

Gustav Krupp von Bohlen und Halbach (Chairman of the Reich Association of German Industry)

Although he was indicted on all four counts, he was medically unfit for trial. His trial was postponed by order of the Tribunal.

For the organisations named in the indictment:

Leadership Corps of the Nazi Party

Generally, Leadership Corps were run by the Party Chancellery. (Hess, then Bormann) It was involved in the political and economic discrimination of Jews. The defendants, Bormann and



Sauckel, used the organisation for the administration of the slave labour programme, extermination of Jews and Nazi propaganda in occupied territory.

SS (Schutzstaffel – Protective Echelon)

Under the guise of combating partisan units, units of the SS exterminated Jews and people deemed politically undesirable by the SS, and their reports record the execution of enormous numbers of persons. Waffen SS divisions were responsible for many massacres and atrocities in occupied territories such as the massacres at Oradour and Lidice. (82 U.N.T.S. 279. p.93)

The defendant Kaltenbrunner used the organisation for the extermination of Jews and brutalities and killings in concentration camps.

The court concluded that the criminality of SS membership did not apply to persons whose membership ceased before the start of World War II or to persons who were drafted into the SS and did not participate in its crimes. (*International Military Tribunal at Nuremberg*, n.d.)

Gestapo (Secret Police) and SD (Sicherheitsdienst – Security Service)

The Tribunal presented these cases together because of the close working relations between the organisations. Their collective aim was to prevent and prosecute any opposition to the Nazi Party and regime. They helped in arresting and deporting Jews to concentration camps along with other political prisoners. The organisations and defendant Kaltenbrunner were responsible for the brutality and direct killing in concentration camps and for the administration of the slave labour programme in occupied territories.

SA (Sturmabteilung – Storm Detachment)

SA organised military lines. They were used to spread Nazi propaganda and prosecute any opposition. SA played a critical role in establishing the Nazi regime using outbreaks of violence



against Jews. However, since evidence cannot prove these actions were a part to wage aggressive war, the Tribunal does not declare the SA as a criminal organisation.

Reich Cabinet (Die Reichsregierung)

The Tribunal held that the Reich Cabinet as a group should not be declared as a criminal organisation due to two reasons: Evidence could not prove any actions as a group after 1937 and since the number of members are so small that they could be tried individually. It is estimated that there are forty-eight members of the group, that eight of these are dead and seventeen are now on trial, leaving only twenty-three at the most as to whom the declaration could have any importance. (82 U.N.T.S. 279. p.98)

Staff & High Command of the German Armed Forces

The Tribunal believed no declaration of criminality against the General Staff and High Command of the German Armed Forces was necessary due to two reasons: Firstly that it does not fit the definition of “organisation” nor “group” of the Article 9 of the Charter. Secondly, the number of persons charged is so miniscule that individual trials would be more beneficial rather than a declaration.

Impact of the Nurnberg Trial on International Law

As Sir Geoffrey Lawrence, the president of the International Military Tribunal explained: “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... [It] is a public Trial in the fullest sense of those words”. (*The Trial of German Major War Criminals : Proceedings of the International Military Tribunal Sitting at Nuremberg Germany*, n.d.)



The most important legacy of the Tribunal was prosecuting Nazi officers and documenting the brutality of Nazi Germany's crimes. The Trial still stands as the most extensive documentation of the Holocaust and the Nazi regime.

The Tribunal became a precedent for international law for many reasons. Firstly because it changed the common idea that individuals do not share criminal liability on actions committed by state entities. It established that Heads of State are not free of responsibility and would be punished for their crimes accordingly. Secondly, the Trial defined crimes against humanity and developed the definition of war crimes. The Charter's reference to "crimes against peace," "war crimes," and "crimes against humanity" represented the first time these terms were used and defined in an adopted international instrument. (*Milestones: 1945–1952 - Office of the Historian*, n.d.) Although the word "genocide" was not used in the judgment, the Trial was the first example of using a distinct crime of genocide in law, which therefore set the basis for Genocide Convention (Convention on the Prevention and Punishment of the Crime of Genocide) by the United Nations (1948). The punishable acts under the Convention were directly taken from the Charter. And finally, the Tribunal was the first example in which violators of international law were held responsible for their crimes and rejected the common defence of state sovereignty established by the Hague Convention.

The Convention on the Prevention and Punishment of the Crime of Genocide was just one of ways in international law to prevent repetition of crimes in the Nuremberg Trials. Another close example would be the European Convention of Human Rights (1950), which had Sir David Maxwell-Fyfe, the deputy British prosecutor at the Trial, as one of the main creators. By introducing the new principles of Crimes Against Peace and Crimes Against Humanity, the Trial helped raise concerns for an international understanding of violence and human rights, and therefore, aided the implementation of the Universal Declaration of Human Rights.



IV. The Case Before the Court: Prosecution v. Joseph Goebbels

a. Defendant

In the case of Prosecutor v. Joseph Goebbels, the defendant would be Joseph Goebbels who was a National Socialist politician and propagandist. He had multiple positions within the Nazi Party. He was Greater Berlin's Nazi Party chairman from 1926 to 1945. Propaganda chief of the Reich from 1929 to 1945. Goebbels served as the Reich Minister for Propaganda and Public Enlightenment under Adolf Hitler from 1933 to 1945. Goebbels was a fervent antisemite and an unwavering supporter of Hitler.



Goebbels was born into a devout Roman Catholic family in Rheydt, Germany, in the Rhineland in 1897. He went to several German universities in addition to Rheydt for his elementary and secondary education. Due to his club foot, which made it difficult for him to walk, Goebbels was turned down for military duty by the German army in August 1914, just before the start of World War I.

In 1920, Goebbels graduated with a doctorate in German literature from Heidelberg University. Before he joined the Nazi Party in 1924, he worked as a writer, journalist, and clerk. Goebbels also took on the role of editor of the Nazi publication *Völkische Freiheit* (Folkish Freedom) in Ebersfeld, Germany, in that same year.



Adolf Hitler, the head of the Nazi Party, became aware of Goebbels because of his ability to organise, his skill with propaganda, and his unwavering work ethic. Hitler named Goebbels the Greater Berlin Gauleiter (head of the Nazi Party) in 1926. In Berlin, Goebbels started the Nazi Party organisation from scratch. He made a name for himself as a propagandist and political agitator. Goebbels published *Der Angriff* (The Assault), his own newspaper, from 1927 until 1935. "For the oppressed, against the exploiters" was the paper's motto. It was devoted to advancing Hitler's tyranny in Germany and combating anti-Semitism and anti-communism. Goebbels was also elected to the Reichstag in 1928, serving as a Berlin-based Nazi Party representative.

Goebbels' proficiency with contemporary propaganda methods so pleased Hitler that in 1929 he was named Reich leader of propaganda for the Nazi Party. During the crucial 1932 Reichstag and presidential elections, Hitler depended on Goebbels. Goebbels was a pioneer in the propagandist use of radio and movies. To further enthuse and enliven key supporters, he produced films of Nazi rallies, speeches, and other events to screen at gatherings. Hitler's 1932 presidential campaign in Germany was coordinated by Goebbels. Goebbels painted Hitler as an enthusiastic campaigner who travelled the most cutting-edge ways to meet voters across Germany under the slogan "Hitler over Germany."

Hitler was shown travelling throughout the nation in a small plane to various events that were scheduled for the same day.

Hitler was ultimately defeated by President Hindenburg in the election. But there was a sharp increase in the Nazi Party's representation in the German parliament. With over 37% of the vote in 1932, the Nazis emerged as the biggest party in the Reichstag. Hitler founded the Ministry of Public Enlightenment and Propaganda on March 13, 1933. Goebbels was named



his minister by him. Goebbels joined Hitler's cabinet as the youngest minister at the age of 35. Goebbels's job in the Nazi Party daily *Völkischer Beobachter* was to coordinate German culture with Nazi ideological objectives. He was crucial to Hitler and the Nazi Regime in this capacity, where he exercised great power.

Goebbels launched a vast propaganda effort to gain the support of Germans and their compliance with Nazi anti-Semitic policies. Simultaneously, opinions that posed any threat to the regime or to Nazi principles were suppressed or removed from all forms of media, most notably the public press. For instance, Goebbels gave a speech on May 10, 1933, in Berlin during the burning of publications deemed to be "un-German." He declared in front of Humboldt University that the "German spirit was being cleaned." The Nazi students destroyed literature written by liberals, leftists, pacifists, Jews, and foreigners. The "censored" works were similarly removed from libraries throughout Germany. Goebbels established a list of publications known as the "black list" whose publication was prohibited throughout Germany.

The violent attack on the Jewish community in Germany on November 9, 1938, known as Kristallnacht, was the culmination of these propaganda efforts prior to the war. One of the main organisers of the pogrom was Goebbels. See the Glossary for This Term He persuaded Hitler that the murder of a German diplomat in Paris by a Jew was the ideal cover for a violent, all-out assault on the German Jewish community. Hitler concurred. Goebbels made the announcement that "the Führer has decided that... demonstrations should not be prepared or organised by the Party, but insofar as they erupt spontaneously, they are not to be hampered." It seems that Goebbels' statements were interpreted as an order to start the carnage. Around 7,500 Jewish-owned businesses were targeted and hundreds of synagogues around Germany were demolished by rioters dressed in civilian clothes. In several areas, Jewish cemeteries were a target for specific vandalism.



Hitler, however, needed war in order to accomplish the fundamental objectives of the Nazi government, namely the annexation of new territory and the creation of a Germany devoid of Jews. Propaganda was required during wartime to support military action. Goebbels created fresh propaganda strategies that complemented the military effort. He kept most of the propaganda from their previous propaganda, particularly the good aspects of the "National Community" and the so-called Führer cult. Hitler was exalted as Germany's war commander and saviour by the Führer cult. German propaganda was dominated by these pictures until the fall of the Reich in 1945.

Increased use of "negative" propaganda was also employed by Nazi propagandists to support their anti-Semitic policies and the marginalisation of other targeted populations. These messages were in line with the radicalisation of racial policies ending ultimately in the Holocaust, the systematic mass murder of Jews during the war.

Goebbels simultaneously worked to maintain a positive mood, particularly during the winter of 1942–1943 as the war began to turn against Germany. Goebbels consistently turned out films meant for an escape. He developed politically neutral pictures to amuse the public and give them a short-term way out of the severe destruction caused by Allied bombing of German towns and the tremendous demands placed on them to make sacrifices for the war effort. Following the German defeat at Stalingrad on February 18, 1943, Goebbels initiated a nationwide drive to mobilise all German resources for the war effort. He made a significant address in front of a sizable and carefully chosen audience at Berlin's "Sportpalast." Under the banner "Total War is the Quickest War," Goebbels made a passionate plea for Germans to give the war effort everything they had left. Hitler even named Goebbels Reich Plenipotentiary for Total War on July 23, 1944. He tasked Goebbels with increasing the number of soldiers in the German armed forces and producing more weapons. Goebbels faced resistance from other Nazi



officials in charge of the war economy, including German Armaments Minister Albert Speer, who prevented him from making much headway.

b. Facts of the Case

1. The Accused, Paul Joseph Goebbels, was born in Rheydt, Germany, in 1897.
2. Goebbels obtained a doctorate in philology at the University of Heidelberg in 1921.
3. In 1924, he became a member of National Socialist German Workers' Party (NSDAP) and became *Gauleiter* (a party district leader) of Berlin in 1926.
4. The following year, he established a weekly newspaper, *Der Angriff*, to promote Nazi ideas.
5. In 1928, he was elected to the Reichstag (German Parliament) as the Nazi Party propaganda director whereby Goebbels started to fabricate the idea that Hitler was the saviour of new Germany.
6. In 1933, after Hitler became chancellor, Goebbels was appointed minister for public enlightenment and propaganda, aiming to censor every piece of media in opposition to the Party.
7. On April 1, 1933, following Hitler's directive, Goebbels established the "Jewish boycott" ("*Judenboykott*"), aiming to remove Jewish influence in the German economy. Goebbels ordered German citizens to not shop from stores the Party stated as "Jewish" and implemented SA (Storm troopers) to intimidate and harass potential buyers.
8. On May 10, 1933, Goebbels supported the National Socialist German Students' Association to organise students to participate in mass book-burnings. Nearly 25.000 books were burned because they were deemed "un-German."
9. In October 1933, Goebbels, as the new Reich Chamber of Culture, introduced the Editor's Law, which forbade "non-Aryans" to publish media and ordered for the removal of all Jewish and non-Nazi editors from media.



10. On November 9-10 1938, the Nazi regime coordinated, with Goebbels as the initiator and instigator, to attack Jewish homes, businesses and places of worship (synagogues). Goebbels ordered rioters to break the glass of store-fronts. These riots then becomes known as "Night of Broken Glass" (*Kristallnacht*)
11. On November 12 1938, Goebbels introduced the Decree on the Elimination of the Jews from German Economic Life. This decree forced Jewish businesses to either close down or go through "Aryanization" and hand over the business to non-Jewish owners.
12. In 1940, Goebbels directed "The Eternal Jew" (*Der ewige Jude*), a propaganda film to incite violence against Jewish people and portray them as parasites.
13. In 1944, Hitler appointed him as Reich Plenipotentiary for Total War whereby he commanded the German people to create a "total war."
14. On April 30, 1945, Hitler committed suicide and Goebbels replaced him as chancellor. However, Goebbels took his own life on May 1st, 1945.
15. On October 19, 1945, Goebbels was indicted on Counts One and Four of the Nuremberg Charter.

c. Merits of the Case

- i. Whether or not The Accused was guilty of Count One of the Nuremberg Charter,
- ii. Whether or not The Accused was guilty of Count Four,
- iii. Whether or not the Article 6 of the Charter was breached,
- iv. Whether or not the Accused should be held responsible for individual criminal liability,
- v. Whether or not the Articles 46 and 56 of Convention was breached,



V. Applicable Law

The Nuremberg Charter

Article 6

The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) ' Crimes against peace: ' namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) ' War crimes: ' namely, violations of the laws or customs of war. Such violations shall include, but not be 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 or 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.- ' namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of 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.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Article 7

The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

Article 8

The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

Article 27

The Tribunal shall have the right to impose upon a Defendant, on conviction, death or such other punishment as shall be determined by it to be just.

Hague Convention of 1907

(IV): Convention respecting the Laws and Customs of War on Land



Article 46

Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Article 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

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