NUREMBERG TRIALS
Welcome to the third annual EdgeMUN conference! I’m a junior at Edgemont and I’m so excited to be chairing the Nuremberg Trials Committee this year. This is my second year on MUN and in those two years I have been to seven conferences. In addition to Model UN I am president of Jewish Culture Club and treasurer of Academic Challenge. I’ll see you in committee!

Hello! Welcome to EdgeMUN! I will be chairing the Nuremberg Trial Committee at this year’s conference and am eagerly anticipating enthusiastic debate during the sessions. I’m currently a junior at Edgemont high school, and this is my second year as a MUN delegate. I’ve been to several conferences in the past two years and have helped moderate an EdgeMUN committee last year. Outside of MUN, I am the co-president of the Architecture Club, play the flute and dance.

Welcome to the Nuremberg Trials Committee! The Nazis have just been defeated and the world is left reeling from their atrocities committed during World War II. The war crimes against humanity have no parallel in devastation. The people demand JUSTICE. This committee’s purpose is to bring forth two notorious Nazi war criminals, Hermann Wilhelm Goering and Albert Speer, in order to determine their guilt and respective punishment. Since the sessions will run like an actual trial, delegates will be given a specific roles, such as jury members or lawyers, and will be expected to have decided on an appropriate means to deliver justice if necessary by the end of committee. Delegates will also be drafting guidelines for future international trials regarding war crimes.
It’s 1945, and the world has just been turned on its head. With unparalleled organization the Nazis have performed atrocities that were previously thought unthinkable. Millions have been killed by their hands. It is time to create international human rights standards. It is time to set a precedent. It is time for justice.

**COMMITTEE STRUCTURE**

The trial will start with the Judicial session. The session will begin with the defendants making a brief statement. The lawyers are allowed to interrogate the defendant and after, the judges will have an opportunity to ask questions. Each lawyer will have one minute for an opening statement, and will then be subject to questions by the judges. The judges will then have a period of deliberation where they can share their opinions and pose questions to the lawyers that they want answered during the course of the trial. During this period, the lawyers may introduce evidence (at the discretion of the chief justice). The lawyers may then present the evidence and each side can express their opinion. The judges will go into further deliberation and the process will repeat until evidence is exhausted. Each lawyer will then deliver a closing speech, reiterating major points of the trial to persuade their side. The judges shall give their final ruling. The judges must vote guilty/not-guilty on all the counts and provide a paper stating why each act committed is or is not a war crime. One judge will then state the indictments for the defendant and read the paper. The next trial will proceed in a similar fashion.

After the resolution of the trials, the committee will then move on to the deliberation session. Based on the outcome of the trials, judges and lawyers will work together to pass a comprehensive resolution regarding the handling of future international crimes. The resolution should include a definition of war crimes, and appropriate punishments for those convicted. Furthermore, the delegates should recommend possible international bodies for this purpose. Keep in mind that these trials are unprecedented in that there have been no established guidelines that govern the procedure for the management of international crimes. Part of the significance of the Nuremberg Trials is that it will set a standard for all similar trials. Creating a complete resolution will ensure that justice will be achieved in an efficient and effective manner in the future.

It is important to note that while all defendants are likely guilty of some form of immoral act, you are determining whether what they did was a war crime or not. Though given the counts outlined in the charter, it is still your responsibility to define what a war crime is and to set precedence for the future.

**HISTORY OF WAR CRIMES**

The concept of crimes against humanity and genocide, though recent, have their origins in many early civilizations. In the Egypt and Sumerian wars, there were rules dictating when war could be initiated. Additionally, in the early Indian civilization, around 4 B.C.E., Hindu texts expressed restrictions on killing non-combatants during wars.

The rules of war were codified more during the Greco-Roman era. Cease-fires were respected to bury the dead, poisoned weapons were prohibited, and humane treatment of civilians and prisoners was more developed. While often broken, these restrictions paved the way for more extensive war crime laws.

In the early Christian era, the need to defend and expand the faith was a major motivation for war, but Christian ideals of kindness played a part. The just-war doctrine justified war in the defense of religion. However, church leaders stated that soldiers, even fighting...
in a just war, should do penance and avoid unnecessary violence.

In the 1400s, international codes of law were first developed. Merchants wanted the restraint of pillaging and destruction, and the chivalric code stated restrictions on weapons and methods\(^1\). The chivalric code transcended national borders and applied to everyone, regardless of position.

The most comprehensive early work on war crimes was written by Hugo Grotius in 1625 entitled, *The Law of War and Peace*. Grotius drew upon the laws of Greek and Roman civilization, as well as the early Christian era for research. Writing in the midst of the Thirty Years’ war, Grotius determined that war was natural order, and tried to explain the international laws of it. If war is part of a natural order, it follows that all states would follow similar rules, and a the failure to comply with those laws should be a crime\(^2\). Gustavus Adolphus of Sweden followed Grotius’s book and refused to let his men attack civilian buildings or institutions, as well as the civilians themselves. However, while the laws existed, they were often not followed.

In 19th century America, during the Civil War, the Lieber Code was written. This code outlined the proper moral conduct of soldiers during wartime, as well as punishments should it be disobeyed.

In the 1899 and 1907 the first international conferences were held on the subject of war crimes: The Hague Conventions. The conventions prohibited many supremely destructive weapons, especially poisonous ones. These conventions were built upon Grotius’s work, the Lieber Code, and the Geneva convention of 1864 that established the Red Cross. The priority was humane treatment of prisoners, but specific situations were dealt with as well. For example, ruses were permitted, while pillaging was not. The comprehensive-ness of the conferences made them a large step forward in the development of international law. However, because they were international conventions and could not violate national sovereignty, no punishments could be dealt. Instead, provisions were made for “mediation, commissions of inquiry and a permanent court of arbitration.”\(^2\)

It was up to the individual states to comply with these laws, but the could not be enforced on an international level.

The test of these laws came in World War I with the deaths of 16.5 million people, 6 million of those being civilians\(^3\). The Versailles Treaty of 1919 ended the war and attempted to enforce laws on war crimes. In Article 227 it called Kaiser Wilhelm II of Germany to trial for “a supreme offence against international morality and the sanctity of treaties” in front of an international court\(^4\). Additionally, Article 228 stated trials should be held “before military tribunals of persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law.”\(^5\)

The Versailles Treaty was highly controversial with the “War Guilt Clause,” which placed the blame for the war on Germany and punished the country for it. While some

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Social Darwinism, the idea that Aryans were genetically superior and Jews were subhuman
4. Autarky, the idea that Germany should be self sufficient
5. Germany needed to be protected from enemies such as Communists and Jews

The party orchestrated the Beer Hall Putsch, an attempted coup. After the coup, Hitler was jailed as a traitor. During his imprisonment Hitler wrote his memoir Mein Kampf, in which he outlined his idea for a strong, Aryan, Germany, as well as his hatred for the Jews. The book became immensely popular, and Hitler’s image was growing strong.

As a charismatic speaker, Hitler entranced Germany. He offered an opportunity to rebuild the country, promising economic stability and a respectful status once again in the world’s eyes. Hitler adopted the role which the Weimar Republic had abandoned, and the people, hungry and dejected, were ready to cast off their failures and rebuild their prized nation. Hitler’s ideas of racial purity and a strong Germany resonated well with the people of Germany who were still dealing with the ignominy of WWI and the Treaty of Versailles. Therefore, Hitler and his party quickly rose through the ranks of the Weimar Republic, gaining the majority. Eventually, after Chancellor Hindenberg’s death, Hitler appointed himself the Führer (absolute ruler) of Germany.

Soon after taking on absolute rule, Hitler viciously sought out to rebuild Germany. However, this could only be done if Germany was “pure” from the inside. Promoting the fundamental ideas of Nazism, Hitler took Social Darwinism to new extents. He wanted to ensure that Germany consisted of Aryan blood, which, in his view, was considered the strongest of all. In doing so, he created a common enemy for the German people, attacking Jews, communists, gypsies, and handicapped people among others. Placing the blame on the Jews for
powered by the Wannsee Conference, nearly 40,000 other camps were constructed. While the conditions of the camps were largely dependant on the specific camp itself, the environment ranged from awful to even more awful; life in the concentration camps was hell. When first taken in, prisoners were divided into two groups: the weak would be sent to their death in the crematories, and the healthy would be exploited as forced labor until no longer able, in which case would also face the same fate of death. For the minority that lived, life seemed no better than death. Starvation was accepted as a common part of life; and many prisoners’ meager lives were curtailed due to diseases relating to malnutrition. Besides the constant empty stomach, prisoners were expected to undertake heavy physical work. Lacking proper tools and always under a time-sensitive environment, prisoners were pushed to their bodily limits, often enduring beatings and verbal derogation from SS officers alongside hand-bleeding work. The prisoners were subject to the wrath of SS officers at anytime. Ranging from physical assault to humiliation, the prisoners suffered various forms of torture and were stripped of all dignity. Hangings, incarceration, and a one way trip to the gas chambers were a frequent occurrence. Prisoners lived in constant terror, knowing that pain and death were around the corner.

Human experimentation is another common characteristic among the various concentration camps. The Nazi doctors vastly contributed to the medical knowledge of the world; however, this came at a great cost. Using prisoners as test subjects, the “doctors” at the camps conducted various experi-

ments for three purposes, all of which revolved around empowering the Germans. First, the experimentation was aimed at developing a treatment for illnesses and injuries suffered by the Nazi on the battlefield, including burns, wounds, malaria, and hepatitis. To ensure a realistic response to a possible treatment, prisoners needed to replicate the condition of the soldiers. In some cases, when finding a method to treat open wounds, SS soldiers inflicted similar gashes on prisoners and rubbed glass shards and dirt into the cut in order to create a more realistic representation. Secondly, experiments tested the limits of man, hoping for German soldiers to make best use of their abilities. Among the many tests, prisoners were subjected to low pressure and high altitude environments and freezing experiments for this purpose. Lastly, doctors strove to advance the eugenics movement. Attempting to illustrate the superiority of the Aryan race, doctors would observe the spread of contagious diseases among prisoners. Furthermore, doctors sought efficient sterilization methods in order to prevent the reproduction of the Jewish people.

In all, estimates indicate that nearly 1,885,889 to 2,045,215 civilians were murdered in the concentration camps. However, prior murder of Jews and other undocumented deaths adds even more to this count. The effects atrocities of the camps still reverberate to this day. Emaciated bodies and severed limbs only reveal a glimpse of the horrors and war crimes of the SS soldiers. Yet, the enormity and complexity of the entire system encompasses the culpability of the whole nation; it’s difficult to place the blame on one single member. However, as the world hopes to alleviate the tragedy and pursue justice, steps will be taken to appropriately punish those responsible for the war crimes committed against humanity.

Hitler’s ideas soon overtook the minds of the nation. However, it still remains unclear to this day, exactly to what degree the public was aware of the atrocities committed.

**CONCEPTION OF THE TRIALS**

In 1944, the Allies began to discuss what was to be done with the Nazi war criminals, but were worried that this kind of talk would inspire German vengeance. Several proposals were brought forth, some more drastic than others. Treasury Secretary Henry Morgenthau suggested that the Nazi leaders either be shot on the spot or exiled. His goal was to return Germany to an agricultural economy. However, this plan was rejected by President Roosevelt as it would require the German POWs to rebuild Germany and would punish them as well. Roosevelt eventually chose the proposal by the War Department to define war crimes and bring the Nazi leaders to trial, as well as treating the regime as a criminal conspiracy. The other Allied leaders agreed, and at the Yalta conference issued a statement in favor of a trial for the Nazi leaders.

**INTERNATIONAL MILITARY TRIBUNAL**

The delegates from the Allied powers met to discuss how the trials would proceed in June of 1945. No trial of this magnitude and international importance has been held before and as such, the delegates were unsure
of how to run the trial, and more importantly, whose laws to follow.

Though each country wanted to follow their own laws, American prosecutor, Justice Robert Jackson, argued “What we propose is to punish acts which have been regarded as criminal since the time of Cain and have been so written in every civilized code.” After ten days it was decided that the adversarial system (Defense attorneys and prosecutors argue their case and then a judge or jury decides the verdict) used by the U.S. and Britain would be employed. The defenses of “just following orders” or “so did he” were decided to be inadmissible during the trial. One of the Allies’ main goals was to make the trial as fair as possible so as not to be accused of war crimes themselves.

The Charter for the International Military Tribunal was signed on August 6th by the delegates that outlined the laws and procedures for the trials. On August 8th it was announced that the International Military Tribunal (IMT) would be held in Germany and will try Nazi leaders for war crimes. The leaders will be tried individually under Article 6 of the IMT’s Charter for:

1. 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;
2. 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 labor 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;
3. 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 domestic law of the country where perpetrated.

The British judge, Sir Geoffrey Lawrence was voted as the Chief Justice in order to lessen America’s role in the trial and escape criticism.

On November 20th, the trial begins. Be prepared to change the meaning of international law.

**THE INDICTMENTS**

- **Count One: Conspiracy to Wage Aggressive War**
  Crimes committed before the war began, a plan to commit crimes during the war
- **Count Two: Waging Aggressive War, or “Crimes Against Peace”**
  Planning, preparation of wars of aggression
- **Count Three: War Crimes.**
  Slave labor, treatment of POWs, use of outlawed weapons
- **Count Four: Crimes Against Humanity**
  Actions in concentration camps and other mass exterminations

**DEFENDANTS**

**Defendant 1: Hermann Wilhelm Goering**

*Post:* Reichsmarshall-Highest rank in the German Armed forces (The Wehrmacht); Chief of the Luftwaffe- the German Air Force; President of the Reichstag; German Parliament; Director of the Four Year Plan

*Capture:* Surrendered to American officers

*Indictments:* Indicted on all four counts

Goering (born 1893) was a member of the German Air Force during the first World War. With his his...
were looted and set on fire) Goering fined the Jews a billion marks for the damages and began to eliminate them from the economy. He excluded them from public places and amenities such as resorts, schools, and parks. After directing the Luftwaffe in Poland and France, and helping with the Anschluss (the annexation of Austria) Goering was promoted to Reichsmarshall. However, several tactical errors against Great Britain led him to fall into the disfavor of Hitler and his political career began to decline. He continued to flounder until he was dismissed by the party and arrested; finally being captured by American forces in 1945.

**Defendant 2: Albert Speer**

Captured by Americans

*Post:* Reichsminister of Armaments and Munitions

*Indictments:* Indicted on all four counts

Speer (born 1905) joined the Nazi Party in 1931 and developed a close friendship with Hitler, believing him to be the answer to communism and poor governmental powers of the Weimar Republic. As an architect, he designed monuments and the parade grounds at Nuremberg where Triumph of the Will (A Nazi propaganda film) was filmed. He was also responsible for flag formations and other grandiose displays to promote the party.

In 1937 Hitler promoted Speer to Inspector General of the Reich and appointed him to build the Reich Chancellery and the Party palace. As a close friend of Hitler’s he quickly made his way to the inner circle and in 1938 received the Nazi Golden Party Badge of Honor. Since deportations of Jews were becoming increasingly common, Speer took over the task of allocating their residencies.

In 1942 Speer assumed the role of Reichsminister of Armaments and Munitions, in which he was in charge of planning the war economy, planning defenses and

roads, and dealt with weaponry. Speer was able to keep up war production in the midst of Allied attacks through his use of slave labor. By 1944, 7.5 million foreigners and 2 million POWs were used as slaves. Speer eventually fell out of favor with Hitler when he expressed dissent towards Hitler’s scorched earth policy, though he ultimately saved Germany from total devastation.

**PARTICIPANTS**

### JUDGES
- Major General Iona Nikitchenko (Soviet Union)
- Lieutenant Colonel Alexander Volchkov (Soviet Union)
- Sir Norman Birkett (Britain)
- Francis Biddle (U.S.)
- John J. Parker (U.S.)
- Professor Henri Donnedieu de Vabres (France)
- Robert Falco (France)

### DEFENSE
- Otto Stahmer
- Hans Flächsner
- Günther von Rohrscheidt
- Franz Exner

### PROSECUTION
- Lieutenant-General Roman Andreyevich Rudenko (Soviet)
- Attorney General Sir Hartley Shawcross (Britain)
- Supreme Court Justice Robert H. Jackson (U.S.)
- Francois de Menthon (France)

QUESTIONS TO CONSIDER

Judges:
1. Will repentance play a role in your determination of punishment?
2. What significance, if any, shall repentance have in determination of punishment?
3. How do you plan to punish if found guilty on all four counts? Three counts?
4. How will you choose to interpret the charter?
5. As the charter might not be comprehensive, to what degree shall you abide by the guidelines? How should the charter be interpreted/changed, if even necessary, for future needs?

Defense:
1. How can you portray your defendant in the most positive light?
2. How will you utilize your witnesses?
3. Given that your defendant has likely committed atrocities, how will you prove they are not international war crimes?
4. What evidence (if any) will you use to support your case?
5. How can you apply the current charter to the advantage of the defendant?

Prosecution:
1. How will you keep the defendants from evading your questioning?
2. How can you best use the witness testimony?
3. Will you use any evidence? How will you incorporate it into your cross examination?
4. How might you expose the gaps in the current charter and push for reform?

Images: