

# INTERNATIONAL MILITARY TRIBUNAL



# THE NUREMBERG TRIALS

VOL. 1

**International Military Tribunal**

# **The Nuremberg Trials (Vol.1)**

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# INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN  
IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

— *against* —

HERMANN WILHELM GÖRING, RUDOLF HESS,  
JOACHIM VON RIBBENTROP, ROBERT LEY, WILHELM  
KEITEL, ERNST KALTENBRUNNER, ALFRED  
ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS  
STREICHER, WALTER FUNK, HJALMAR SCHACHT,  
GUSTAV KRUPP VON BOHLEN UND HALBACH, KARL  
DÖNITZ, ERICH RAEDER, BALDUR VON SCHIRACH,  
FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN,  
FRANZ VON PAPEN, ARTHUR SEYSS-INQUART,  
ALBERT SPEER, CONSTANTIN VON NEURATH, and  
HANS FRITZSCHE, Individually and as Members of  
Any of the Following Groups or Organizations to  
which They Respectively Belonged, Namely: DIE  
REICHSREGIERUNG (REICH CABINET); DAS KORPS  
DER POLITISCHEN LEITER DER  
NATIONALSOZIALISTISCHEN DEUTSCHEN  
ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI  
PARTY); DIE SCHUTZSTAFFELN DER

NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the “SS”) and including DER SICHERHEITSDIENST (commonly known as the “SD”); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the “GESTAPO”); DIE STURMABTEILUNGEN DER NSDAP (commonly known as the “SA”); and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES, all as defined in Appendix B of the Indictment,

*Defendants.*

# **PREFACE**

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Recognizing the importance of establishing for history an authentic text of the Trial of major German war criminals, the International Military Tribunal directed the publication of the Record of the Trial. The proceedings are published in English, French, Russian, and German, the four languages used throughout the hearings. The documents admitted in evidence are printed only in their original language.

The first volume contains basic, official, pre-trial documents together with the Tribunal's judgment and sentence of the defendants. In subsequent volumes the Trial proceedings are published in full from the preliminary session of 14 November 1945 to the closing session of 1 October 1946. They are followed by an index volume. Documents admitted in evidence conclude the publication.

The proceedings of the International Military Tribunal were recorded in full by stenographic notes, and an electric sound recording of all oral proceedings was maintained.

Reviewing sections have verified in the four languages citations, statistics, and other data, and have eliminated obvious grammatical errors and verbal irrelevancies. Finally, corrected texts have been certified for publication by Colonel Ray for the United States, Mr. Mercer for the United Kingdom, Mr. Fuster for France, and Major Poltorak for the Union of Soviet Socialist Republics.



# MEMBERS AND ALTERNATE MEMBERS OF THE TRIBUNAL

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LORD JUSTICE LAWRENCE, Member for the United Kingdom  
of Great Britain and Northern Ireland, President

MR. JUSTICE BIRKETT, Alternate Member

MR. FRANCIS BIDDLE, Member for the United States of  
America

JUDGE JOHN J. PARKER, Alternate Member

M. LE PROFESSEUR DONNEDIEU DE VABRES, Member for  
the French Republic

M. LE CONSEILLER R. FALCO, Alternate Member

MAJOR GENERAL I. T. NIKITCHENKO, Member for the Union of  
Soviet Socialist Republics

LIEUTENANT COLONEL A. F. VOLCHKOV, Alternate Member

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## OFFICIALS OF THE GENERAL SECRETARIAT

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BRIGADIER GENERAL

WM. L. MITCHELL

General Secretary (from 6  
November 1945 to 24 June  
1946)

COLONEL JOHN E. RAY

General Secretary (from 24  
June 1946)

MR. HAROLD B. WILLEY	General Secretary (to 6 November 1945) American Secretary (to 11 July 1946)
MR. WALTER GILKYSON	American Secretary (from 16 July 1946)
MR. IAN D. McILWRAITH	British Secretary
MAJOR A. POLTORAK	Soviet Secretary
MR. A. MARTIN-HAVARD	French Secretary
COLONEL CHARLES W. MAYS	Marshal (to 26 June 1946)
LIEUTENANT COLONEL JAMES R. GIFFORD	Marshal (from 26 June 1946)
COLONEL LEON DOSTERT (From the Office of U.S. Chief of Counsel)	Chief of Interpreters (to 17 April 1946)
COMMANDER ALFRED STEER, U.S.N.R. (From the Office of U.S. Chief of Counsel)	Chief of Interpreters (from 18 April 1946)

---

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CAPTAIN D. P. SULLIVAN	Witness Notification and Procurement
LIEUTENANT COLONEL A. M. S. NEAVE, B.A.O.R.	Applications and Motions Section
LIEUTENANT COMMANDER ALBERT E. SCHRADER, U.S.N.R.	Defendants' Information Center
MR. BERNARD REYMON	Custodian of Documents and Records

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LIEUTENANT COLONEL

LAWRENCE D. EGBERT

CAPTAIN SIGMUND ROTH

Editor of the Record

Director of Printing

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Captain Drexel A. Sprecher

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Lieutenant Henry K. Atherton  
Lieutenant Brady O. Bryson, U.S.N.R.  
Lieutenant (j. g.) Bernard D. Meltzer, U.S.N.R.  
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### DEPUTY CHIEF PROSECUTOR:

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## DEPUTY CHIEF PROSECUTOR:

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State Counsellor of Justice of the 2nd Class, M. Y. Raginsky

State Counsellor of Justice of the 3rd Class, N. D. Zorya

Chief Counsellor of Justice, L. N. Smirnov

Colonel D. S. Karev

Lieutenant Colonel J. A. Ozol

Captain V. V. Kuchin

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## CHIEF PROSECUTOR:

M. François de Menthon

M. Auguste Champetier de Ribes

## DEPUTY CHIEF PROSECUTORS:

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M. Edgar Faure

## ASSISTANT PROSECUTORS (Chiefs of Sections):

M. Pierre Mounier  
M. Charles Gerthoffer  
M. Delphin Debenest  
ASSISTANT PROSECUTORS:  
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M. Henry Delpech  
M. Serge Fuster  
M. Constant Quatre  
M. Henri Monneray

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<sup>1</sup> Only those members of the Prosecution Counsel who spoke before the Tribunal are listed.

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## **DEFENDANTS AND DEFENSE COUNSEL**

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HESS, RUDOLF	Dr. Günther von Rohrscheidt (to 5 February 1946) Dr. Alfred Seidl (from 5 February 1946)
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KALTENBRUNNER, ERNST  
ROSENBERG, ALFRED  
FRANK, HANS  
FRICK, WILHELM  
STREICHER, JULIUS  
FUNK, WALTER  
SCHACHT, HJALMAR

DÖNITZ, KARL

RAEDER, ERICH  
VON SCHIRACH, BALDUR  
SAUCKEL, FRITZ  
JODL, ALFRED

BORMANN, MARTIN<sup>3</sup>  
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SEYSS-INQUART, ARTHUR  
SPEER, ALBERT  
VON NEURATH,  
CONSTANTIN  
FRITZSCHE, HANS

KRUPP VON BOHLEN UND  
HALBACH, GUSTAV<sup>4</sup>

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Dr. Alfred Thoma  
Dr. Alfred Seidl  
Dr. Otto Pannenbecker  
Dr. Hanns Marx  
Dr. Fritz Sauter  
Dr. Rudolf Dix  
Professor Dr. Herbert  
Kraus, Associate<sup>5</sup>  
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Dr. Hans Flächsner  
Dr. Otto Freiherr von  
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Dr. Heinz Fritz  
Dr. Alfred Schilf,  
Associate<sup>7</sup>  
Dr. Theodor Klefisch  
(to 15 November 1945)  
Dr. Walter Ballas,  
Associate<sup>8</sup> (to 15  
November 1945)

<sup>2</sup> All individual defendants named in the Indictment appeared before the Tribunal except: Robert Ley, who committed suicide 25 October 1945; Gustav Krupp von Bohlen und Halbach, owing to serious illness; and Martin Bormann, who was not in custody and whom the Tribunal decided to try in absentia.

<sup>3</sup> See footnote 2.

<sup>4</sup> See footnote 2.

<sup>5</sup> Only Associates who spoke before the Tribunal are listed.

<sup>6</sup> See footnote 5.

<sup>7</sup> See footnote 5.

<sup>8</sup> See footnote 5.

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**GROUPS AND  
ORGANIZATIONS:**

REICH CABINET

LEADERSHIP CORPS OF  
NAZI PARTY

SS and SD

**COUNSEL:**

Dr. Egon Kubuschok

Dr. Robert Servatius

Ludwig Babel, Counsel for  
SS and SD (to 18 March  
1946), Counsel for SS (to  
1 June 1946),

Co-counsel for SS (to  
27 August 1946)

Horst Pelckmann, Co-  
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March 1946),

Counsel for SS (from 1  
June 1946)

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Associate<sup>9</sup> to Dr. H.



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SA	Georg Boehm Dr. Martin Loeffler
GESTAPO	Dr. Rudolf Merkel
GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES	Professor Dr. Franz Exner (to 27 January 1946) Dr. Hans Laternser (from 27 January 1946)

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<sup>9</sup> Only Associates who spoke before the Tribunal are listed.

# LONDON AGREEMENT OF 8 AUGUST 1945

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*Agreement by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics for the Prosecution and Punishment of the Major War Criminals of the European Axis.*

WHEREAS the United Nations have from time to time made declarations of their intention that war criminals shall be brought to justice;

AND WHEREAS the Moscow Declaration of 30 October 1943 on German atrocities in Occupied Europe stated that those German officers and men and members of the Nazi Party who have been responsible for or have taken a consenting part in atrocities and crimes will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments that will be created therein;

AND WHEREAS this Declaration was stated to be without prejudice to the case of major criminals whose offenses have no particular geographic location and who will be punished by the joint decision of the Governments of the Allies;

NOW THEREFORE the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics (hereinafter called "the Signatories") acting in the interests of all the United Nations and by their representatives duly authorized thereto have concluded this Agreement.

*Article 1.* There shall be established after consultation with the Control Council for Germany an International Military Tribunal for the trial of war criminals whose offenses have no particular geographical location whether they be accused individually or in their capacity as members of organizations or groups or in both capacities.

*Article 2.* The constitution, jurisdiction, and functions of the International Military Tribunal shall be those set out in the Charter annexed to this Agreement, which Charter shall form an integral part of this Agreement.

*Article 3.* Each of the Signatories shall take the necessary steps to make available for the investigation of the charges and trial the major war criminals detained by them who are to be tried by the International Military Tribunal. The Signatories shall also use their best endeavors to make available for investigation of the charges against and the trial before the International Military Tribunal such of the major war criminals as are not in the territories of any of the Signatories.

*Article 4.* Nothing in this Agreement shall prejudice the provisions established by the Moscow Declaration concerning the return of war criminals to the countries where they committed their crimes.

*Article 5.* Any Government of the United Nations may adhere to this Agreement by notice given through the diplomatic channel to the Government of the United Kingdom, who shall inform the other signatory and adhering Governments of each such adherence.<sup>10</sup>

*Article 6.* Nothing in this Agreement shall prejudice the jurisdiction or the powers of any national or occupation court established or to be established in any Allied territory or in Germany for the trial of war criminals.

*Article 7.* This Agreement shall come into force on the day of signature and shall remain in force for the period of one year and shall continue thereafter, subject to the right of any Signatory to give, through the diplomatic channel, one month's notice of intention to terminate it. Such termination shall not prejudice any proceedings already taken or any findings already made in pursuance of this Agreement.

IN WITNESS WHEREOF the Undersigned have signed the present Agreement.

DONE in quadruplicate in London this 8th day of August 1945 each in English, French, and Russian, and each text to have equal authenticity.

For the Government of the United States of America  
/s/ ROBERT H. JACKSON

For the Provisional Government of the French Republic  
/s/ ROBERT FALCO

For the Government of the United Kingdom of Great Britain  
and Northern Ireland  
/s/ JOWITT

For the Government of the Union of Soviet Socialist  
Republics  
/s/ I. NIKITCHENKO  
/s/ A. TRAININ

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<sup>10</sup> In accordance with Article 5, the following Governments of the United Nations have expressed their adherence to the Agreement: Greece, Denmark, Yugoslavia, the Netherlands, Czechoslovakia, Poland, Belgium, Ethiopia, Australia, Honduras, Norway, Panama, Luxembourg, Haiti, New Zealand, India, Venezuela, Uruguay, and Paraguay.

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# **CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL**

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## **I. CONSTITUTION OF THE INTERNATIONAL MILITARY TRIBUNAL**

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*Article 1.* In pursuance of the Agreement signed on the 8th day of August 1945 by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called "the Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis.

*Article 2.* The Tribunal shall consist of four members, each with an alternate. One member and one alternate shall be appointed by each of the Signatories. The alternates shall, so far as they are able, be present at all sessions of the Tribunal. In case of illness of any member of the Tribunal or his incapacity for some other reason to fulfill his functions, his alternate shall take his place.

*Article 3.* Neither the Tribunal, its members nor their alternates can be challenged by the Prosecution, or by the defendants or their counsel. Each Signatory may replace its member of the Tribunal or his alternate for reasons of health or for other good reasons, except that no replacement may take place during a Trial, other than by an alternate.

*Article 4.*

- (a) The presence of all four members of the Tribunal or the alternate for any absent member shall be necessary to constitute the quorum.
- (b) The members of the Tribunal shall, before any trial begins, agree among themselves upon the selection

from their number of a President, and the President shall hold office during that trial, or as may otherwise be agreed by a vote of not less than three members. The principle of rotation of presidency for successive trials is agreed. If, however, a session of the Tribunal takes place on the territory of one of the four Signatories, the representative of that Signatory on the Tribunal shall preside.

- (c) Save as aforesaid the Tribunal shall take decisions by a majority vote and in case the votes are evenly divided, the vote of the President shall be decisive: provided always that convictions and sentences shall only be imposed by affirmative votes of at least three members of the Tribunal.

*Article 5.* In case of need and depending on the number of the matters to be tried, other Tribunals may be set up; and the establishment, functions, and procedure of each Tribunal shall be identical, and shall be governed by this Charter.

## **II. JURISDICTION AND GENERAL PRINCIPLES**

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*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 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;
- (c) *CRIMES AGAINST HUMANITY*: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war,<sup>11</sup> 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.

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 determine that justice so requires.

*Article 9.* At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the Prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard.

*Article 10.* In cases where a group or organization is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military, or occupation courts. In any such case the criminal nature of the group or organization is considered proved and shall not be questioned.

*Article 11.* Any person convicted by the Tribunal may be charged before a national, military, or occupation court, referred to in Article 10 of this Charter, with a crime other than of membership in a criminal group or organization and such court may, after convicting him, impose upon him punishment independent of and additional to the punishment imposed by the Tribunal for participation in the criminal activities of such group or organization.

*Article 12.* The Tribunal shall have the right to take proceedings against a person charged with crimes set out in Article 6 of this Charter in his absence, if he has not been found or if the Tribunal, for any reason, finds it necessary, in the interests of justice, to conduct the hearing in his absence.

*Article 13.* The Tribunal shall draw up rules for its procedure. These rules shall not be inconsistent with the provisions of this Charter.

### **III. COMMITTEE FOR THE INVESTIGATION AND PROSECUTION OF MAJOR WAR CRIMINALS**

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*Article 14.* Each Signatory shall appoint a Chief Prosecutor for the investigation of the charges against and the prosecution of major war criminals.

The Chief Prosecutors shall act as a committee for the following purposes:

(a) to agree upon a plan of the individual work of each of the

- Chief Prosecutors and his staff,
- (b) to settle the final designation of major war criminals to be tried by the Tribunal,
  - (c) to approve the Indictment and the documents to be submitted therewith,
  - (d) to lodge the Indictment and the accompanying documents with the Tribunal,
  - (e) to draw up and recommend to the Tribunal for its approval draft rules of procedure, contemplated by Article 13 of this Charter. The Tribunal shall have power to accept, with or without amendments, or to reject, the rules so recommended.

The Committee shall act in all the above matters by a majority vote and shall appoint a Chairman as may be convenient and in accordance with the principle of rotation: provided that if there is an equal division of vote concerning the designation of a defendant to be tried by the Tribunal, or the crimes with which he shall be charged, that proposal will be adopted which was made by the party which proposed that the particular defendant be tried, or the particular charges be preferred against him.

*Article 15.* The Chief Prosecutors shall individually, and acting in collaboration with one another, also undertake the following duties:

- (a) investigation, collection, and production before or at the Trial of all necessary evidence,
- (b) the preparation of the Indictment for approval by the Committee in accordance with paragraph (c) of Article 14 hereof,
- (c) the preliminary examination of all necessary witnesses and of the defendants,

- (d) to act as prosecutor at the Trial,
- (e) to appoint representatives to carry out such duties as may be assigned to them,
- (f) to undertake such other matters as may appear necessary to them for the purposes of the preparation for and conduct of the Trial.

It is understood that no witness or defendant detained by any Signatory shall be taken out of the possession of that Signatory without its assent.

#### **IV. FAIR TRIAL FOR DEFENDANTS**

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*Article 16.* In order to ensure fair trial for the defendants, the following procedure shall be followed:

- (a) The Indictment shall include full particulars specifying in detail the charges against the defendants. A copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the defendant at a reasonable time before the Trial.
- (b) During any preliminary examination or trial of a defendant he shall have the right to give any explanation relevant to the charges made against him.
- (c) A preliminary examination of a defendant and his trial shall be conducted in, or translated into, a language which the defendant understands.
- (d) A defendant shall have the right to conduct his own defense before the Tribunal or to have the assistance of counsel.
- (e) A defendant shall have the right through himself or through his counsel to present evidence at the Trial in

support of his defense, and to cross-examine any witness called by the Prosecution.

## **V. POWERS OF THE TRIBUNAL AND CONDUCT OF THE TRIAL**

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*Article 17.* The Tribunal shall have the power:

- (a) to summon witnesses to the Trial and to require their attendance and testimony and to put questions to them,
- (b) to interrogate any defendant,
- (c) to require the production of documents and other evidentiary material,
- (d) to administer oaths to witnesses,
- (e) to appoint officers for the carrying out of any task designated by the Tribunal including the power to have evidence taken on commission.

*Article 18.* The Tribunal shall:

- (a) confine the Trial strictly to an expeditious hearing of the issues raised by the charges,
- (b) take strict measures to prevent any action which will cause unreasonable delay, and rule out irrelevant issues and statements of any kind whatsoever,
- (c) deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any defendant or his counsel from some or all further proceedings, but without prejudice to the determination of the charges.

*Article 19.* The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and shall admit any evidence which it deems to have probative value.

*Article 20.* The Tribunal may require to be informed of the nature of any evidence before it is offered so that it may rule upon the relevance thereof.

*Article 21.* The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United Nations, including the acts and documents of the committees set up in the various Allied countries for the investigation of war crimes, and the records and findings of military or other Tribunals of any of the United Nations.

*Article 22.* The permanent seat of the Tribunal shall be in Berlin. The first meetings of the members of the Tribunal and of the Chief Prosecutors shall be held at Berlin in a place to be designated by the Control Council for Germany. The first trial shall be held at Nuremberg, and any subsequent trials shall be held at such places as the Tribunal may decide.

*Article 23.* One or more of the Chief Prosecutors may take part in the prosecution at each trial. The function of any Chief Prosecutor may be discharged by him personally, or by any person or persons authorized by him.

The function of counsel for a defendant may be discharged at the defendant's request by any counsel professionally qualified to conduct cases before the Courts