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History

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The Nurnberg Trials The Nurnberg Military Court Tribunal: The Biggest Legal Farce in History

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In the dock. First row from left: Goering, R. Hess, von Ribbentrop, Keitel, Rosenberg; second row: Doenitz, Rader, von Schirach, Sauckel, Jodl.

Sixty-five years ago, on November 20, 1945, the first court hearing of the International War Tribunal began at the Nurnberg hall of justice. The Nurnberg trial had no parallel in the history of humanity: it was the first time in world jurisprudence that an entire government rather than individual war criminals was put on trial.

Back on January 13, 1942, countries at war with Germany adopted the London Declaration, in which those governments stated their firm resolution to prosecute war criminals by all means available. The US War Department came up with the idea of a trial of war criminals. There was the suggestion made to judge the Nazi regime as a criminal organization and to judge the provocation and execution of offensive and aggressive war as a criminal act.

An international conference that adopted the London agreement, which was to become the legal basis of the Nurnberg trial, began their meeting on June 26, 1945. Based on parity, the International War Tribunal was composed of representatives from the USSR, USA, England and France and rules and regulations were adopted. The accusations were categorized in three groups: crimes against the peace; war crimes; crimes against humanity.

It took some time to draw up the list of accused, because the Americans listed 72 people on their list and the Russians 100 names. It was finally decided to limit the trial to not more than 24 people.

The Nurnberg hall of justice was chosen for hosting the court proceedings. Rings of guards surrounded the building, the first ring of German police, then an American military police cordon. Incidentally, Lithuanians who served in foreign units also guarded the war criminals.



Trial hearings officially began on November 20, 1945. The court accredited 300 reporters, 100 newsreel correspondents and 10 artists from newspapers and magazines around the world.

Writer Jonas Simkus represented the press of the Lithuanian Soviet Socialist Republic at Nurnberg. He sent articles to *Tiesa* [Lithuanian *Pravda*] and kept a careful diary of Nurnberg which is today preserved at the Institute of Lithuanian Language and Literature.

It's interesting that the US prosecutor on December 13, 1945 made known a 1941 report on the activity of the SS operation group in Lithuanian territory. The court was presented incriminating material called "The Fort of Death in Kaunas" and the documents "The Hitlerites Tried to Destroy Lithuanian Culture" and "The Mass Murder of Soviet People at the Paneriai Settlement."

Victors' Justice

Let's remember the victors acted as prosecutors, judges and executioners. The Nurnberg trial had no other jurisdiction than that received according to the right of the victor. Prosecutors sought incriminating documents and used them tendentiously. They knowingly hid documents from the defense that would provide witness to the innocence of the accused. They charged Germany's leaders with "crimes" according to laws which were created after the commission of those crimes. Therefore at the Nurnberg process where one group of criminals was trying another, it wasn't easy to decide [just] what would be considered a war crime. A simple solution was found: if it was done by the Axis countries and not by us, it was an inhumane, brutal and punishable act. Germany, forced to her knees, hungry and in ruins, was powerless to object and resist the capriciousness of the occupying countries.

In their speech to the court, the leaders of the Third Reich made the following arguments in their defense:

Germany in solving matters of war and peace was a sovereign state, and therefore no external party could try the country's leadership in court. But the Nurnberg principles placed international law above national sovereignty;

No one can be prosecuted under laws which were not in effect at the time the crime was committed. The court responded to this argument by codifying long-existing principles of international law;

They were only following the law. This argument was also negated by the Nurnberg principles;

They didn't know what was happening.

The court didn't believe the leaders of Germany could have not known about 200 concentration camps and the mass murder of millions of people in Eastern Europe;

They were right because the victors had also committed war crimes. The court refused to consider any accusations except those against the accused.

The Duplicity of the Tribunal Executives

Some of the details of the Nurnberg mystery simply astonish us with the cynical duplicity of the people in charge. Besides the official Soviet delegation, the protocols of the government commission for organizing the Nurnberg trial headed by A. Vishinsky unmask the messy kitchen of the legal proceedings. It turns out that the commission's area of competence included banishing from the trial those questions which according to the Soviet ideologues were not allowable in court.



The Nurnberg Hall of Justice where the International War Tribunal court's trials transpired.

J. Stalin made sure these questions wouldn't be heard openly at the Nurnberg trial:

1. The USSR's position on the Versailles Peace.
2. The 1939 USSR/German non-aggression pact.
3. V. Molotov's visits to Berlin, J. Ribbentrop's visits to Moscow.
4. The social political order of the USSR.
5. The Soviet Baltic republics
6. The USSR/German agreement on the exchange of German residents of Lithuania, Latvia and Estonia.
7. USSR foreign policy and issues touching upon supposed USSR territorial pretensions.
8. The Balkans question.
9. Soviet/Polish relations.

On the other hand, Stalin demanded consideration of the delicate topic of the massacre at Katyn, as “proof of the brutality of the Wehrmacht.” German responsibility for the murder of thousands of Polish officers in the Katyn forest was “proved” by Nurnberg document SSRS-54. And only in 1990 did the government of the USSR admit that it wasn’t the Germans who had carried out the Katyn massacre, as had been “proved” in the Nurnberg process, but that the Soviet secret police had done it.

Perhaps nothing so clearly characterizes the unfair legal investigation at Nurnberg as the treatment of A. Hitler’s former deputy R. Hess. He was sentenced to life in prison although he was the only leader of a country that took part in the Second World War to have risked his life in undertaking a dangerous but unsuccessful attempt to reconcile both warring sides. He arrived in England in 1941 as a peace envoy. Not a single crime with which he was charged was proved during the trial.

It is also important that the Nurnberg process provided a legal basis to the legend about the six million supposedly murdered Jews, although the court didn’t have even a single document signed by Hitler on the extermination of Jews (no one has found this document to this day, if it even exists, although a million dollar prize has been promised).

Verdicts a Year Later

Over the entire Nurnberg war crimes trial the court held 403 hearings which lasted 1,100 hours. The protocols of the Nurnberg process comprise 16 thousand pages and 5 million paper leaves were used weighing 200 tons.

Prosecutors submitted 2,630 documents and defense attorneys 2,700. Only 240 witnesses were questioned during the court process, and that is an extremely small number for a tribunal of this scope. It is true, however, that the tribunal accepted 300,000 “written testimonies” to support the prosecution. Twenty seven thousand meters of film with soundtrack and seven thousand rolls of photographic film were used.

On September 30 and October 1, 1946, verdicts were delivered. Eleven of the accused were sentenced to death, three to imprisonment for life, four to various prison terms and three were acquitted.

All of those convicted were given four days to present pleas for mercy. Rader asked for life imprisonment to be changed to the death sentence. Goring, Jodl and Keitel asked for death by hanging to be changed to death by firing squad. All requests were denied.

Execution of death sentences was entrusted to US Army personnel. On October 16 representatives of the countries which had organized the trial met in the sport hall of the prison: soldiers, two German witnesses, reporters, priests, doctors—42 people in total.

The soldiers led in Ribbentrop, who had gone pale with fear. Guards dragged the ex-Reichsminister who had lost his volition to the noose for a long time. He was barely able to say his name. A guard tied his feet together and American sergeant K. Woods put a black hood over the condemned man's head and put the noose around his neck. Woods didn't attempt to hide his satisfaction on becoming the executor of the historical verdict: Ribbentrop was his 348th hanging.

At intervals of 20 minutes the convicts ascended the platform to the same ceremony. The condemned seemed rather full of life: Ribbentrop took ten minutes to say farewell to life, Jodl 18, Keitel 24. The execution [executions] took 103 minutes, thus ending the longest legal process in the history of mankind. The bodies of the hanged men were photographed, taken to Munich and cremated, their ashes scattered at the mouth of the Isar River.

Summing up, we can say that the Nurnberg process was a diary of the times in which historians can look for truth. There will come a time when everything will settle down into its place, passion will be exhausted, and revenge and hatred will have satisfied their thirst.