

# Resource Collection on the Nuremberg Principles



# The International Nuremberg Principles Academy

The International Nuremberg Principles Academy (Nuremberg Academy) is located in Nuremberg, the birthplace of modern international criminal law. Conscious of this historic heritage, the Nuremberg Academy supports the fight against impunity for universally recognized core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. Its main fields of activity include providing a forum for dialogue by convening conferences and expert meetings, conducting interdisciplinary and applied research, engaging in specialized capacity building for practitioners of international criminal law, and human rights education. Dedicated to supporting the worldwide application of international criminal law, the Nuremberg Academy promotes the Nuremberg Principles and the rule of law with a vision of sustainable peace through justice, furthering knowledge, and building capacities of those involved in the judicial process in relation to these crimes.





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# Introduction

It has been seven decades since the International Law Commission formulated the so-called “Nürnberg Principles” in its second session in 1950. Pursuant to Resolution 95 (I) in 1946, the United Nations General Assembly affirmed the “Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal” and, pursuant to Resolution 177(II) in 1947, requested the formulation of the Nuremberg Principles by the then newly established International Law Commission.

Since then, the Nuremberg Principles have been among the most foundational and authoritative elements forming the trellis of international criminal law, and through their influence on subsequent historical developments, have left a lasting and prevailing legacy. The Nuremberg Principles, in conjunction with the Nuremberg Charter, the Control Council Law 10, and the adjudication of the Nuremberg tribunals, are also referred to as “Nuremberg law”.

The Nuremberg Principles have played a significant role in the current shape and form of international criminal law, in establishing criminal responsibility under international law, removing Head of State immunity for the most serious crimes, establishing command responsibility, other modes of liability, and ensuring fair trial rights for the accused in international criminal proceedings. The Nuremberg Principles have also been cited in international and domestic criminal proceedings and have influenced the development of the *ad hoc* international criminal tribunals, hybrid and internationalized criminal tribunals, and the International Criminal Court.

This Resource Collection on the Nuremberg Principles provides an overview of official documents, case law, and scholarly literature. The collection includes resources in English (EN), but also in French (FR), German (DE), and Spanish (ES). Please also note that in the case of various United Nations and other international courts and institutions, documents although listed in English, are often also available in their official working languages.

First, it includes the various official United Nations documents that serve as a historic record and reflect the discussions, which led to the formulation of the Nuremberg Principles in 1950, under the auspices of the International Law Commission.

Second, the Resource Collection comprises scholarly literature, including books, book chapters, academic journal articles, and other publications, reflecting the multifaceted interpretation, implementation, and relevance of the Nuremberg Principles. Please note that given the extensive literature in the field of international criminal law and on the Nuremberg trials, the collection does not purport to present an exhaustive list of all relevant sources. The focus of the collection has been on literature that explicitly allude to the Nuremberg Principles in the title.

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Third, the Resource Collection contains various domestic and international cases and jurisprudence that have prominently and directly cited or referred to the Nuremberg Principles, in their reasoning and opinions, or more generally in the text, revealing the influence of the Nuremberg Principles in pioneering domestic case law and international criminal proceedings. The geographical and topical diversity of the judgments that have referred to the Nuremberg Principles also exhibit universality and current implementation.

It has been 75 years since Robert H. Jackson, the United States Chief of Counsel to prosecute Nazi war criminals, delivered his iconic opening statement at Courtroom 600 of the Nuremberg Palace of Justice, stating that “four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason.”<sup>1</sup> The Nuremberg Principles remain the most concrete and tangible legal inheritance of that message. It is also a testament to the relevance of that legacy, that the Nuremberg Principles continue to be frequently invoked by scholars, judges, and practitioners of modern international criminal law.

This Resource Collection will provide interested scholars, students, and practitioners with a valuable starting point for deepening their knowledge of the Nuremberg Principles and their reception and place within the contemporary context of international criminal law as reflected in existing case law and scholarship. We will update this guide regularly.

The Resource Collection on the Nuremberg Principles is part of the International Nuremberg Principles Academy’s mandate of making a systematic contribution to upholding the Nuremberg Principles and advancing international criminal law and human rights.

If you have any questions, feedback, or would like to suggest any additions to the Resource Collection, please contact the Nuremberg Academy at [info@nurembergacademy.org](mailto:info@nurembergacademy.org).

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<sup>1</sup> Robert H. Jackson, „Opening Statement for the United States of America, Second Day, Wednesday, 11/21/1945, Part 04“, in *Robert H. Jackson Center* (available on its website).

# The Nuremberg Principles

Under UN General Assembly Resolution 177 (II), paragraph (a), the International Law Commission was requested to “formulate the principles of international law recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal.” Fulfilling this mandate, the International Law Commission formulated the “Nürnberg Principles” in 1950 – the seven principles as listed below.

- Principle I Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.
- Principle II The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.
- Principle III The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.
- Principle IV The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.
- Principle V Any person charged with a crime under international law has the right to a fair trial on the facts and law.
- Principle VI The crimes hereinafter set out are punishable as crimes under international law:
- (a) Crimes against peace:
    - (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
    - (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).
  - (b) War crimes: Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave 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: Murder, extermination, enslavement, deportation and other inhumane acts done against any civilian population, or persecutions on political, racial, or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime.
- Principle VII Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

<sup>2</sup> Report of the International Law Commission covering its Second Session, 5 June - 29 July 1950, Document A/CN.4/34, 1950 ([https://legal.un.org/docs/?path=../ilc/documentation/english/reports/a\\_cn4\\_34.pdf&lang=E](https://legal.un.org/docs/?path=../ilc/documentation/english/reports/a_cn4_34.pdf&lang=E)).

# I. Official Documents

in chronological order

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