Resource Collection on the Nuremberg Principles
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.
Table of Contents

03 Introduction
05 The Nuremberg Principles
06 I. Official Documents
06 Official United Nations Documents related to the Formulation of the Nuremberg Principles
06 Decisions and Views of UN Treaty Bodies
07 II. Scholarly Literature
07 Journal Articles
08 Book Chapters
09 Books and Other Publications
10 III. Jurisprudence – International, Regional, and Hybrid Courts and Tribunals
10 International Court of Justice
10 European Court of Human Rights
11 Inter-American Commission on Human Rights
11 Inter-American Court of Human Rights
11 International Criminal Tribunal for the former Yugoslavia
12 International Criminal Tribunal for Rwanda
12 Dili District Court Special Panel for Serious Crimes
12 Special Court for Sierra Leone
13 International Criminal Court
13 Extraordinary Chambers in the Courts of Cambodia
14 Selected National and Domestic Jurisdictions
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.
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.”1 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.

---

1 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)
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.

---

I. Official Documents
in chronological order

Official United Nations Documents related to the Formulation of the Nuremberg Principles

Affirmation of the Principles of International Law recognized by the Charter of the Nürnberg Tribunal, UN Doc. A/RES/95 (I), 11 December 1946.

https://doi.org/10.1017/S00029300000057973

The Charter and Judgment of the Nürnberg Tribunal: History and Analysis (Memorandum submitted by the Secretary-General), UN Doc. A/CN.4/5, 1949.


https://legal.un.org/docs/?path=../ilc/documentation/english/reports/a_cn4_34.pdf&lang=E


Decisions and Views of UN Treaty Bodies

http://www.worldcourts.com/cat/eng/decisions/1989.11.23.OR.v_Argentina.htm


https://juris.ohchr.org/Search/Details/1061
II. Scholarly Literature
in alphabetical order

Journal Articles


Book Chapters


Books and Other Publications


III. Jurisprudence
International, Regional, and Hybrid Courts and Tribunals
in order of year of establishment

International Court of Justice


International Court of Justice, Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening), Dissenting opinion of Judge Cançado Trindade, 3 February 2012. https://www.icj-cij.org/en/case/143/judgments

European Court of Human Rights


European Court of Human Rights, Case of Kolk and Kislyiy v. Estonia, Fourth Section Decision as to the Admissibility of Application no. 23052/04 by August Kolk Application no. 24018/04 by Petr Kislyiy against Estonia, 17 January 2006. https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-72404%22]}


European Court of Human Rights, Case of Kononov v. Latvia, Judgment, 17 May 2010. https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-87934%22]}

11
European Court of Human Rights, *Van Anraat v. the Netherlands*, Third Section as to the Decision of Admissibility Of Application no. 65389/09, 6 July 2010.
https://hudoc.echr.coe.int/eng#{%22fulltext%22:%22Van%20Anraat%20v.%20the%20Netherlands,%20Third%20Section%20Admissibility%20Decision%20Of%20Application%22,%22itemid%22:[%222001-99990%22]}

European Court of Human Rights, *Case of Janowiec and Others v. Russia*, Judgment, 16 April 2012.
https://hudoc.echr.coe.int/eng#{%22itemid%22:[%222001-110513%22]}

https://hudoc.echr.coe.int/fre#{%22itemid%22:[%222001-122716%22]}

https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECCHR&id=001-127684&filename=001-127684.pdf

https://hudoc.echr.coe.int/eng#{%22fulltext%22:%22Case%20of%20Vasiliauskas%20v%20Lithuania%22,%22documentcollectionid%22:[%222GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%222001-158290%22]}

**Inter-American Commission on Human Rights**

https://www.cidh.oas.org/reso.1.03.htm (ES)

**Inter-American Court of Human Rights**

Corte Interamericana de Derechos Humanos, *Caso Almonacid Arellano y otros Vs. Chile*, Excepciones Preliminares, Fondo Reparaciones y Costas, Sentencia de 26 de septiembre de 2006, Serie C No. 154, para. 90, fn 120, para. 98 et seq.
http://www.corteidh.or.cr/docs/casos/articulos/seriec_154_esp.pdf (ES)

http://www.corteidh.or.cr/docs/casos/articulos/seriec_162_esp.pdf (ES)

**International Criminal Tribunal for the former Yugoslavia**

https://icty.org/x/cases/tadic/acdec/en/51002.htm

https://www.icty.org/en/case/kupreskic

https://www.icty.org/en/case/krstic
https://www.icty.org/x/cases/slobodan_milosevic/tdec/en/040616.htm

https://www.icty.org/en/case/vasiljevic

https://www.icty.org/x/cases/slobodan_milosevic/tdec/en/040616.htm

https://www.icty.org/en/case/brdanin


https://www.icty.org/en/case/stakic

https://www.icty.org/en/case/oric

https://www.icty.org/en/case/prlic

International Criminal Tribunal for Rwanda

https://unictr.irmct.org/en/cases/ictr-96-4

Dili District Court Special Panel for Serious Crimes


Special Court for Sierra Leone

http://www.scsldocs.org/documents/view/1609-1303

International Criminal Court

International Criminal Court, Situation in Darfur, Sudan, In the Case of The Prosecutor v. Omar Hassan Ahmad Al-Bashir, Pre-Trial Chamber I, Corrigendum to the Decision Pursuant to Article 87(7) of the Rome Statute on the Failure by the Republic of Malawi to Comply with the Cooperation Requests Issued by the Court with Respect to the Arrest and Surrender of Omar Hassan Ahmad Al Bashir, 13 December 2011, ICC-02/05-01/09.
https://www.icc-cpi.int/CourtRecords/CR2011_21750.PDF

International Criminal Court, Situation in the Republic of Kenya, In the Case of the Prosecutor v. William Samoei Ruto and Joshua Arap Sang, Trial Chamber V, Decision on Mr Ruto's Request for Excusal from Continuous Presence at Trial, 18 June 2013, ICC-01/09-01/11.
https://www.icc-cpi.int/CourtRecords/CR2013_04536.PDF

International Criminal Court, Situation in Darfur, Sudan, In the Case of The Prosecutor v. Omar Hassan Ahmad Al-Bashir, Pre-Trial Chamber II, Minority Opinion of Judge Marc Perrin de Brichambaut, 13 July 2017, ICC-02/05-01/09-302.
https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-02/05-01/09-302-Anx-FRA

International Criminal Court, Situation in the Democratic Republic of the Congo, In the case of The Prosecutor v. Thomas Lubanga Dyilo, Trial Chamber II, Les observations des Représentants légaux des victimes, 6 September 2017, ICC-01/04-01/06-3357.
https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-01/04-01/06-3357 (original: FR)

International Criminal Court, Situation in Darfur, Sudan, In the Case of The Prosecutor v. Omar Hassan Ahmad Al-Bashir, Appeals Chamber, Judgment in the Jordan Referral re Al-Bashir Appeal, 6 May 2019, ICC-02/05-01/09 OA2.
https://www.icc-cpi.int/CourtRecords/CR2019_02856.PDF

Extraordinary Chambers in the Courts of Cambodia


Extraordinary Chambers in the Courts of Cambodia, Co-Prosecutors v. Ieng Sary, Pre-Trial Chamber, Decision on Ieng Sary's Appeal Against Closing Order, 11 April 2011, 002/19-09-2007-ECCC/OCIJ (PTC75).
https://www.eccc.gov.kh/sites/default/files/documents/courtdoc/D427_1_30_EN.PDF

Extraordinary Chambers in the Courts of Cambodia, Case 002/01, Trial Chamber, Case 002/01 Judgment, 7 August 2014, 002/19-09-2007/ECCC/TC.
Selected National and Domestic Jurisdictions
in alphabetical order

Argentina

Corte Suprema de Justicia de la Nación Argentina, Priebke, Erich s/ solicitud de extradición, causa n° 16063/94, Sentencia, 2 de noviembre de 1995. (ES)
Corte Suprema de Justicia de la Nación Argentina, Simón, y otros s/ privación ilegítima de la libertad, etc., causa n° 17.768 (Poblete), Sentencia, 14 de junio de 2005. (ES)
Corte Suprema de Justicia de la Nación Argentina, Mazzeo, Julio Lilo y otros s/ rec. de casación e inconstitucionalidad – Riveros, Sentencia, 13 de julio de 2007. (ES)

Australia

High Court of Australia, Polyukhovich v Commonwealth, Order, 14 August 1991.

Belgium

Cour de cassation de Belgique, P050125N, 24 mai 2005. (FR)

Bosnia and Herzegovina

Court of Bosnia and Herzegovina, The Prosecutor’s Office of Bosnia and Herzegovina v. Petar Mitrović, First Instance Verdict, 29 July 2008.

Canada

Federal Court, Zazai v. Canada (Minister of Citizenship and Immigration), 2004 CF 1356, 1 October 2004. (EN, FR)

Colombia

Corte Constitucional de Colombia, Sentencia C-370/06, Sentencia de Constitucionalidad, 18 de mayo de 2006. (ES)
Corte Constitucional de Colombia, Sentencia C-579/13, Sentencia de Constitucionalidad, 28 de agosto de 2013. (ES)
Consejo de Estado de Colombia, Sentencia n° 25000-23-26-000-2012-00537-01(45092), Sala Contenciosa Administrativa, Sentencia, 17 de septiembre de 2013. (ES)
Corte Suprema de Justicia, Auto 44312, Sala de Casación Penal, Auto Interlocutorio, 27 de enero de 2015. (ES)
Corte Suprema de Justicia de Colombia, Sentencia SP9145-2015, Radicación n° 45.795, Sala de Casación Penal, Sentencia, 15 de julio de 2015. (ES)
Consejo de Estado de Colombia, Sentencia n° 76001-23-32-000-2005-04037-01, Sala Contenciosa Administrativa, Sentencia, 7 de julio de 2016. (ES)

Corte Suprema de Justicia de Colombia, Sentencia SP16905-2016, Radicación 44312, Sala de Casación Penal, Sentencia, 23 de noviembre de 2016. (ES)

Chile

Corte Suprema de Chile, Causa n° 9474/2009 (Casación), Resolución n° 49064 de Corte Suprema, 21 de diciembre de 2010. (ES)

Corte Suprema de Chile, Causa n° 290/2012 (Extradición Pasiva), Resolución n° 40841 de Corte Suprema, 18 de junio de 2013. (ES)

Corte Suprema de Chile, Causa n° 1577/2013 (Casación), Sala Tercera (Constitucional), Resolución n° 83780 de Corte Suprema, 24 de octubre de 2013. (ES)

Corte Suprema de Chile, Causa n° 25639/2014 (Otros), Sala Segunda (Penal), Resolución n° 3149 de Corte Suprema, de 7 enero de 2015. (ES)

Corte Suprema de Chile, Causa n° 7308/2015 (Casación), Sala Segunda (Penal), Resolución n° 192500 de Corte Suprema, 9 de noviembre de 2015. (ES)

Corte Suprema de Chile, Causa n° 8706/2015 (Casación), Sala Segunda (Penal), Resolución n° 13604 de Corte Suprema, 11 de enero de 2016. (ES)

Corte Suprema de Chile, Causa n° 43472/2016 (Casación), Sala Segunda (Penal), Resolución n° 577744 de Corte Suprema, 13 de octubre de 2016. (ES)

Corte Suprema de Chile, Causa n° 94858/2016 (Casación), Sala Segunda (Penal), Resolución n° 310410 de Corte Suprema, 20 de junio de 2017. (ES)

El Salvador

Corte Suprema de Justicia de El Salvador, Sentencia n° 23-S-2016, Corte Plena, Sentencia, 16 de agosto de 2016. (ES)

Corte Suprema de Justicia de El Salvador, Sentencia n° 26-S-2016, Corte Plena, Sentencia, 24 de agosto de 2016. (ES)

France

Conseil d’État, 415046, 2ème - 7ème chambres réunies, Publié au recueil Lebon, 18 juin 2018. (FR)

Cour de cassation, 16-82.664, Chambre criminelle, Inédit, 12 juillet 2016. (FR)

Iraq


Israel


Supreme Court of Israel, Attorney General v. Adolf Eichmann, Judgment, 29 May 1962.
Spain
Tribunal Supremo, Sentencia No. 101/2012, Sala Segunda de lo Penal, Sentencia, 27 de febrero de 2012. (ES)

United Kingdom of Great Britain and Northern Ireland
House of Lords, Regina v. Bartle and the Commissioner of Police for the Metropolis and others EX Parte Pinochet (on appeal from a Divisional Court of the Queen's Bench Division) Regina v. Evans and another and the Commissioner of Police for the Metropolis and others EX Parte Pinochet (on appeal from a Divisional Court of the Queen's Bench Division), Judgments, 25 November 1998.

United States of America


The International Nuremberg Principles Academy (Nuremberg Academy) is a non-profit foundation dedicated to the advancement of international criminal law and human rights. It was established by the Federal Republic of Germany, the Free State of Bavaria, and the City of Nuremberg in 2014. The activities and projects of the Nuremberg Academy are supported through contributions from the three founding entities and financially supported by the Federal Foreign Office of Germany.