Sources Template

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| **Document A: The Nuremberg Judgement**, Hirsch, F. (2021, September). *The Nuremberg Judgment 75 Years Later*. Origins. Retrieved April 3, 2022, from <https://origins.osu.edu/milestones/nuremberg-judgment>   The Nuremberg Judgment On September 30, 1946, the Palace of Justice in Nuremberg, Germany, was a hub of activity. The International Military Tribunal (IMT)—the first major effort to hold a state’s leaders criminally responsible for launching wars of aggression and for perpetrating war crimes and crimes against humanity—was about to render its judgment.  …  This was the day everyone had waited for since the end of [the Second World War](safari-reader://origins.osu.edu/milestones/august-2017-stalingrad-75-turning-point-world-war-ii-europe), when the victors had agreed to “stay the hand of vengeance” in favor of a trial.  The IMT had opened on November 20, 1945, with the reading of the Indictment and a few words from Lawrence proclaiming that the trial was “unique in the history of the jurisprudence of the world” and “of supreme importance to millions of people all over the globe.”  For the next ten months, representatives from the United States, Great Britain, France, and the Soviet Union—the four major Allied powers—had worked together, at times with great difficulty, to bring 22 former Nazi leaders and their organizations to justice.  …  The crowd’s attention was now trained on the eight judges as they took turns reading from the judgment. Lawrence described the origins of the Nuremberg Charter and the four main charges set out in the Indictment: conspiracy, war crimes, crimes against peace, and crimes against humanity.  The other British and French judges (Norman Birkett, Henri Donnedieu de Vabres, Robert Falco) then elaborated on the crimes against peace charge (Count Two)—describing the [Nazi conquest](safari-reader://origins.osu.edu/milestones/operation-barbarossa) of large swaths of Europe.  The American judge, Francis Biddle, introduced the conspiracy charge (Count One)—and a stir went through the courtroom as he explained where the judges and the prosecutors had parted ways. The Tribunal had rejected the prosecution’s argument that the conspiracy had begun with the creation of the Nazi Party in 1920. It had instead dated the conspiracy’s start to the Hossbach Conference on November 5, 1937—when Hitler had revealed to his generals his plans to invade neighboring countries.  …  The judges turned next to the judgment’s sections on war crimes and crimes against humanity (Counts Three and Four).  The Soviet judge, Iona Nikitchenko, described how Soviet citizens had been forced to support the German war economy by working as slave laborers. He also shared the Tribunal’s finding that the defendants had acted with “consistent and systematic inhumanity” toward Europe’s Jews (referring obliquely to what we have since come to know as[the Holocaust](safari-reader://origins.osu.edu/milestones/may-2015-liberation-concentration-camps)).  …  This time, the four main judges took turns reading out the verdicts. Goering’s guilt was “unique in its enormity,” Lawrence declared. He was guilty on all four counts. Hess was next, and the verdict was mixed; he was found guilty on Counts One and Two.  German Foreign Minister Joachim von Ribbentrop’s participation in Nazi crimes was deemed to have been “whole-hearted” and he was declared guilty on all four counts. The verdict against Keitel was the same. Next came Ernst von Kaltenbrunner, the only SS man in the dock, whom the Tribunal found guilty on Counts Three and Four. And so things went down the line. Three of the defendants (Hjalmar Schacht, Franz von Papen, and Hans Fritzsche) were found not guilty—and the Tribunal ordered their release.  At 2:50 p.m. the court held its final session. Now the dock was empty. The defendants would enter the courtroom one by one to hear their sentences. A sliding door behind the dock opened and Goering walked through. Lawrence read his sentence: “Death by hanging.” Hess was led in a few seconds later and heard his sentence of life imprisonment. Ribbentrop was next. “Death by hanging.”  The procession continued. Keitel, Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, and Julius Streicher were all met with those same three words. Walther Funk and Erich Raeder were sentenced to life imprisonment; Karl Doenitz received a ten-year prison term; and Baldur von Schirach was sentenced to 20 years. Fritz Sauckel, Alfred Jodl, and Arthur Seyss-Inquart would hang. Albert Speer received 20 years, and Konstantin von Neurath 15. Martin Bormann received a death sentence in absentia.  The international press had been expecting unanimity from the Tribunal. This was not to be.  …  In the wake of the judgment, important questions lingered. Nuremberg had been an extraordinary event. The judgment would surely have implications for the future of international law. But what were they? How would they be realized?  …  It then directed the newly established United Nations Committee on the Progressive Development of International Law and its Codification (the Codification Committee) “to treat as a matter of primary importance” the formulation of these principles into a new international law code.  And the Nuremberg principles have served as an important foundation for international criminal tribunals for [Rwanda](safari-reader://origins.osu.edu/milestones/september-2018-genocide-and-rwanda), [Yugoslavia](safari-reader://origins.osu.edu/milestones/srebrenica-massacre-genocide-denial-memory), and other post-conflict states.  But concerns about violating state sovereignty, which were reflected prominently in the Nuremberg judgment, continue to this day. This, together with the recent resurgence of isolationism in America and in other states, have made the kind of international cooperation envisioned after Nuremberg to prevent crimes against peace and crimes against humanity look less and less likely.  Thankfully, stalled efforts by international institutions to end state violence and bring peace to humankind are not the only legacy of the Nuremberg judgment. Over the decades—even as high-level deliberations about international law have foundered—the Nuremberg principles have had an impact at a grassroots level.  They have inspired dissidents, protesters, and civil rights organizations the world over to call out atrocities and to put forward claims for human rights. They have provided a shared vocabulary with which to fight injustice and mobilize for change.  Seventy-five years after the Nuremberg judgment, the Nuremberg principles have retained an undeniable moral power and continue to offer a vision of a world based on “respect for the human person.” |

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| **Document B: What Happened at the Nuremberg Trials?** H. [The History Channel]. (2017, November 24). *What Happened at the Nuremberg Trials?* [Video]. YouTube. <https://www.youtube.com/watch?v=RsA6AdCRI-k&feature=youtu.be>  A group of people  Description automatically generated with low confidence |
| **Document C: Genocide and Justice in Rwanda, Quigley, J. B. (2018, August).** *History Milestone: Genocide and Justice in Rwanda*. Origins. Retrieved April 3, 2022, from <https://origins.osu.edu/milestones/september-2018-genocide-and-rwanda>  Genocide and Justice in Rwanda  On September 2, 1998, the first conviction for the crime of genocide was entered by an international tribunal. The date is an essential milestone in the development of criminal responsibility imposed by the international community for the commission of mass atrocities.  Yet, genocide became an international crime much earlier. One of the United Nations’ first acts after it was formed in 1945 was to draft the Convention on the Prevention and Punishment of the Crime of Genocide, a framework for criminal trials at the international level for the commission of genocide.  The Convention said that trials should be conducted “by such international penal tribunal as may have jurisdiction.” The United Nations finalized the text of the Convention in 1948 and it entered into legal force in 1951 after the requisite number of states signed on.  At that time, however, there was no “international penal tribunal” that could try an individual for genocide. Not until four decades later, following atrocities committed in the former Yugoslavia and in Rwanda, were such tribunals set up in 1993 and 1994 respectively. These tribunals had jurisdiction only in these two locations, so they did not cover genocide committed elsewhere.  The Security Council wrote a statute that defined each tribunal’s powers and described the scope of its jurisdiction. Each statute defined genocide along with crimes against humanity and war crimes. Importantly, genocide was defined in the same terms as in the Convention on the Prevention and Punishment of the Crime of Genocide. Thus, for the first-time humanity had tribunals that qualified as an “international penal tribunal” under the Convention.  On September 2, 1998, Jean-Paul Akayesu, mayor of a Rwandan town, became the first person convicted of genocide by either tribunal.  The International Criminal Tribunal for Rwanda found that local residents identified as ethnically Tutsi gathered near the mayor’s office for protection as mob violence against them intensified. Instead of safety, these residents were subjected to assault, rape, and murder by mobs that had gathered. Akayesu, who was at the office, did not act to prevent these assaults but instead encouraged and facilitated them.  Akayesu’s conviction and the existence of the two tribunals were also important in prompting the creation of an international tribunal with a broader competence. Why, UN leaders asked, should international criminal responsibility obtain only for atrocities committed in former Yugoslavia or Rwanda but not elsewhere?  In 1998, the same year as Akayesu’s conviction, a United Nations conference met in Rome to draft a treaty for an international criminal tribunal that would have jurisdiction on a worldwide basis. The resulting treaty, the Rome Statute of the International Criminal Court, covered genocide along with crimes against humanity and war crimes on a worldwide basis.  The International Court has been recognized by 123 countries, giving it jurisdiction over genocide committed in the territory of those countries, or, anywhere, by nationals of those countries. Significantly, however, China, Russia, and the United States are not parties to the Rome Statute. Their absence limits the effectiveness of international criminal responsibility for genocide.  The International Criminal Court began functioning at headquarters in The Hague in the Netherlands in 2002. Although it has jurisdiction over genocide, it has focused more often on war crimes or crimes against humanity.  The Convention on the Prevention and Punishment of the Crime of Genocide defined genocide in a way that imposes a significant burden on the prosecution. For genocide, not only must assaults or killings or other acts have been committed that threaten the existence of a group, but they must have been committed with the intent to destroy the group. To date, genocide has been charged in the International Criminal Court, but no one has been convicted of it yet.  The Akayesu case showed that international criminal responsibility for genocide raises complex issues. Akayesu’s case involved no direct killing or other atrocities by him. He was convicted for promoting murders and other brutalities by other persons. What in law is called mens rea, or criminal intent, had to be defined and elaborated for international tribunals.  Akayesu’s trial and the other trials held at that time required the development of a whole set of protections for the accused comparable to what is afforded to persons accused of crime in national courts globally.  Instead of a jury, a panel of three judges decided the Yugoslavia and Rwanda cases, with conviction possible by a vote of only two of the three. The same procedure has been adopted by the International Criminal Court, leading some critics to object that protection for the accused is insufficient.  The conviction of Akayesu on September 2, 1998 was a significant step in the development of international responsibility for genocide. Akayesu’s conviction sent a signal that humanity as a whole does not accept such barbarism. And people who engage in genocide may now be subjected to the process of justice.  Will Myanmar’s top generals stand trial for genocide? An aerial view of a destroyed Rohingya village in 2017. In 2018, a UN report found that Myanmar’s military had “genocidal intent” in its massacre of Rohingya Muslims the year before. |

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| **Document D: ICC judges authorize opening of an investigation into the situation in Bangladesh/Myanmar,** *ICC judges authorise opening of an investigation into the situation in Bangladesh/Myanmar*. (2019, November 14). International Criminal Court. Retrieved April 3, 2022, from <https://www.icc-cpi.int/Pages/item.aspx?name=pr1495>  ICC judges authorize opening of an investigation into the situation in Bangladesh/Myanmar  On 14 November 2019, Pre-Trial Chamber III of the International Criminal Court ("ICC" or the "Court") authorized the Prosecutor to proceed with an investigation for the alleged crimes within the ICC's jurisdiction in the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar ("the situation in Bangladesh/Myanmar").  ICC Pre-Trial Chamber III is composed of Judge Olga Herrera Carbuccia, Presiding, Judge Robert Fremr, and Judge Geoffrey Henderson.  This authorization follows the request submitted on 4 July 2019 by the Prosecutor to open an investigation into alleged crimes within the ICC's jurisdiction committed against the Rohingya people from Myanmar.  The Chamber also received the views on this request by or on behalf of hundreds of thousands of alleged victims. According to the ICC Registry, victims unanimously insist that they want an investigation by the Court and many of the consulted alleged victims 'believe that only justice and accountability can ensure that the perceived circle of violence and abuse comes to an end'. The Chamber recognized all the individuals and organizations that assisted, guided and advised alleged victims throughout this process.  The Chamber concluded that the Court may exercise jurisdiction over crimes when part of the criminal conduct takes place on the territory of a State Party. While Myanmar is not a State Party, Bangladesh ratified the ICC Rome statute in 2010. Upon review of the available information, the Chamber accepted that there exists a reasonable basis to believe widespread and/or systematic acts of violence may have been committed that could qualify as the crimes against humanity of deportation across the Myanmar-Bangladesh border and persecution on grounds of ethnicity and/or religion against the Rohingya population. The Chamber found no need to assess whether other crimes within the Court's jurisdiction may have been committed, even though such alleged crimes could be part of the Prosecutor's future investigation.  Noting the scale of the alleged crimes and the number of victims allegedly involved, the Chamber considered that the situation clearly reaches the gravity threshold. According to the supporting material, an estimated 600,000 to one million Rohingya were forcibly displaced from Myanmar to neighbouring Bangladesh as a result of the alleged coercive acts. Noting the victims' views, the Chamber agreed with the Prosecutor that there are no substantial reasons to believe that an investigation into the situation would not be in the interests of justice.  Consequently, Pre-Chamber III authorized the commencement of the investigation in relation to any crime, including any future crime, as long as: a) it is within the jurisdiction of the Court, b) it is allegedly committed at least in part on the territory of Bangladesh, or on the territory of any other State Party or State accepting the ICC jurisdiction, c) it is sufficiently linked to the situation as described in the present decision, and d) it was allegedly committed on or after the date of entry into force of the Rome Statute for Bangladesh or other relevant State Party. |

**Document E: Ask The Court: Opening of ICC investigations into the situation in Bangladesh/Myanmar,** I. (2019, November 14). *Ask The Court: Opening of ICC investigations into the situation in Bangladesh/Myanmar* [Video]. YouTube. <https://www.youtube.com/watch?v=s8AAuDC_JcA&feature=youtu.be>

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