



ArcMUN

Aristotelio College Model United Nations

United Nations Historical Committee

**“The Nuremberg Trials: War Crimes and Justice in
the Aftermath of War”**

Study Guide

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1. Welcoming letter

Dear Delegates,

It is with great pleasure that we welcome you to the Historical Committee of Arc MUN 2025! We are honoured to be chairing the Historical Committee.

This year's Historical Committee will delve into The Nuremberg trials, in the aftermath of the Second World War—arguably the most tumultuous period of human history. By investigating this time period and assuming the perspectives of different key actors, you will shed light into the multifaceted nature of war crimes, their causes and effects, and what can be done about them in the future.

We hope that this study guide will serve as a launching pad for your research into this unique historical period, which has been the basis for major changes and developments in the realm of global politics and the emergence of international organisations.

With great anticipation for the upcoming conference, we wish you all the best during your preparation.

Your Chairs

Anastasia Charitaki, Chrysanthos Bouroutzoglou

2. Introduction to the committee

The Nuremberg Trials

The Nuremberg trials were a series of trials held in Nuremberg, Germany, in the years 1945-1946 after the Second World War (WW2). During WW2 Nazi Germany invaded many countries across Europe inflicting in the process millions of deaths (more than twice as many as in World War I). After the end of the conflict these trials were held, by the Allies, to punish the defeated Nazi leaders. While deciding the fate of the Nazi leaders the proposals ranged from a show trial (by the Soviet Union) to summary executions (United Kingdom). In 1945 four countries -France, the Soviet Union, the United Kingdom, the United States- agreed to the joint trials in Nuremberg, with the Nuremberg Charter as its legal instrument.

In the span of one year (20 November 1945-1 October 1946), the International Military Tribunal (IMT) tried 24 surviving leaders of Nazi Germany, of great importance in the military, economic and political field, as well as six German organizations, such as the Gestapo and the Nazi secret police. Since the beginning of the trials on the 20th of November, the Lord Justice Geoffrey Lawrence of Britain held the presidency over all sessions of the trials.

The term "War Crimes" existed already in International Law before WW2. However, it did not apply to the treatment of a country's own citizens. The Soviet Union proposed a charge 'against civilians' which was renamed "crimes against humanity". Since then the term "crimes against humanity" was defined as "murder, extermination, enslavement, deportation

and other inhumane acts committed against any civilian population”.

Most of the prominent Nazi leaders had committed suicide and since they could not be tried, other important leaders of Germany were prosecuted. During the trials the prosecutors focused on finding evidence and not on testimonies from survivors. As a result the public’s interest in the case was reduced.

At the start of the trials Jackson (American negotiator and Supreme Court justice Robert H. Jackson) said that the trial the Nazis received was “one of the most significant tributes that Power has ever paid to Reason”. On 31 August the closing arguments were presented. With the end of the trials the crimes against humanity and especially Jews upstaged the war charge and focused on the Holocaust. Nevertheless, the International Military Tribunal and the prosecution agreed that the gravest charge was aggression because as was stated “war is essentially an evil thing”. 22 of the 24 original defendants were convicted. One of the 2 that remained committed suicide and the last’s mental and physical health prevented him from being tried. Of the 22, three were acquitted, four were imprisoned for 10-20 years, three were imprisoned for life and twelve were sentenced to death.

After the initial trials, the United States hosted twelve military ones.

During the Nuremberg trials, 249 journalists covered the IMT and 61,854 visitor tickets were issued. Some of the verdicts were opposed by civilians as they were considered by many too lenient. International Criminal Law has its roots in the International Military Tribunal.

3. Introduction to the topic

1. The Second World War

The Second World War, (also referred to as WW2), lasted from around 1939 to 1945. It was the deadliest armed conflict that humanity has suffered, claiming the lives of some 60 million people around the world, of which 45 million were civilians. A plethora of atrocities were committed during WW2, creating an impetus for punitive justice, as seen in the Nuremberg Trials. The aftermath of the war saw the establishment of significant international treaties and organisations, such as the United Nations (1945) and NATO (1949).

2. The Holocaust

The Holocaust was a systematic effort organised and supported by the Nazi regime, aiming at the extermination of the Jewish people. The main methods by which this campaign of murder was conducted were mass shootings, pogroms, concentration camps and finally, killing centers, which were established solely to industrialise the mass-murder of Jews. The Holocaust claimed the lives of around 6 million Jews. However, the regime also targeted other groups deemed undesirable or subhuman (Untermenschen), among which the Roma, Poles, Blacks, Homosexuals, and Jehova's Witnesses.

3. War Crimes

War Crimes are violations of the laws of war. Some of them are: harming civilians, killing and torturing prisoners of war, taking hostages, wartime sexual violence, and ordering mass killings like Genocide or ethnic cleansing. The concept of War Crimes for international conflicts was adopted in the aftermath of the Second World War however, before WW2 it was applied to conflicts in Sovereign States like the Lieber Code (1863)

4. Definition of Key Terms

1. Law of War

The Law of War is meant to balance two often conflicting interests of armed conflict; the first being **weakening the enemy** and the second being **limiting human suffering**. An exaggeration towards either side - that is, allowing extreme wartime measures or excessively curtailing military options - would make the Law of War defunct. The *Nuremberg Charter* and the *Geneva Conventions* were some of the main sources of the Law of War.

The two main categories covered by the laws of war are the **right to war** (lat. *jus ad bellum*) and the **right (conduct) in war** (lat. *jus in bello*). Examples of conduct against *jus ad bellum* include the *Crimes against peace* category of the Nuremberg Charter, while conduct against *jus ad bello* includes the *War Crimes* and certain instances of *Crimes against humanity* categories of the charter. A third category, discussed in modern times, is **justice after war** (lat. *jus post bellum*), referring to the ending and aftermath of armed conflict, including the responsibility of reconstruction efforts.

2. Customary International Law

Whereas treaties and conventions formally outline specific obligations for their signatories, customary international law refers to obligations that arise from common and consistent practice among states.

3. The Geneva Convention

The Geneva Conventions are four treaties and three protocols enforced by 196 countries in the event of an armed conflict. The implementation of these four acts was agreed to in 1949 after many discussions and conferences on the topic. Swiss businessman Henry Dunant in his book "A Memory of Solferino" proposed two ideas as to the treatment of wounded soldiers, which he had witnessed when he visited the battlefield in 1859. His two ideas: the creation of an agency for humanitarian aid and its neutrality resulted in the establishment of the Red Cross in Geneva and paved the way for the first Geneva Convention in 1864.

The 4 Geneva Conventions

- ★ *The sick, wounded medical and religious personnel must be protected.*
- ★ *Care for the wounded, sick and shipwrecked during war at sea.*
- ★ *Treat prisoners of war with humanity.*
- ★ *Protect all Civilians in Time of War*

After WW2 and the Nuremberg and Tokyo trials the Conventions were updated and agreed to by the countries, but were considered unrealistic. Warfare had changed and more civilians were targeted. As a result, two more protocols were added, which extended the 1949 Conventions.

4. *The Nuremberg Charter*

The *Charter of the International Military Tribunal*, also known as the *Nuremberg Charter*, was a document outlining the aims, scope and procedure of the Nuremberg Trials, signed at London, on 8 August 1945. The Crimes prosecuted by the tribunal were:

- 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 labour 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, 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 the domestic law of the country where perpetrated.

5. The Paris Peace Treaties

On the 10th of February 1947-after the end of the Second World War in 1945- the Paris Peace Treaties were signed in a conference that lasted from 29 July to 15 October 1946. The Allies negotiated a treaty with Hungary, Italy, Romania, Bulgaria, and Finland, which allowed them to take part in international affairs and to qualify for membership in the United Nations. Due to the treaty war criminals were handed over to the Allies and the defeated Axis Powers agreed to payments of war reparations, advocate for minority rights and territorial adjustments which included the end of the Italian colonial empire. Another treaty focused on Hungary's defeat, reducing by a lot its armed forces and imposing a bill of \$300 million. This treaty was to be supervised by the Soviet occupation force.

6. The Vienna Convention on Diplomatic Relations

The treaty was adopted on 18 April 1961 by the United Nations in Vienna, Austria and first implemented on 24 April 1963. It focuses on the treatment and exchange of diplomats and envoys between two countries/states. The agreement has been adopted by 179 states and it ensures the neutrality of the host country towards foreign diplomats as long as no local laws are broken. The consequence of not abiding with the Convention is the waiver of immunity and if not expulsion.

7. The Axis Powers

The Axis Powers were the perpetrators of WW2. The three main partners were Germany, Italy, and Japan. Seven smaller countries joined them at that time. In the late 1930s, the three

major Axis Powers started expanding their territory in other countries. All European Axis allies took part in the discrimination against Jews during the Holocaust.

8. Genocide

The word **Genocide** was first used in 1944 as a term after WW2 by Polish Jewish Lawyer Raphael Lemkin in his book *Axis Rule in Occupied Europe*. The term refers to specific hurtful acts committed with intent to destroy and annihilate a national, ethnic, racial or religious group. Since 1948 genocide is considered an international crime, according to the Convention on the Prevention and Punishment of the Crime of Genocide.

The following acts constitute genocide;

- ★ Killing members of a group
- ★ Causing serious physical or mental harm to members of the group.
- ★ Inflicting deliberately conditions of life meant to harm them
- ★ Preventing births within the group
- ★ Forcibly transferring children of the group to another group.

9. The Atomic Bomb (Hiroshima/Nagasaki)

The atomic bomb was used for the first time against the Japanese cities Hiroshima (August 6 1945) and Nagasaki (August 9 1945) at the end of WW2. The American bombing of the cities marked the first use of an atomic weapon in war. After the bomb's effect on Nagasaki Japan surrendered. Thousands were killed instantly and even more suffered consequences due to the extreme levels of radiation.

America's creation of the atomic bomb was part of The Manhattan Project. The Manhattan Project was the largest scientific effort of its time and its budget exceeded \$2 billion. After the end of WW2 the (Manhattan Project) physicist Philip Morrison traveled to Hiroshima to assess the damages. Upon return he said that the atomic bomb was a weapon of mass destruction and that "It destroys so quickly and so completely such a large area that defense is hopeless".

10. The Bombing of Dresden

One of the most controversial actions of the Allies during the war, the Bombing of Dresden was conducted on 13-15 February 1945, specifically by British and American air forces. The number of civilian deaths has been the subject of historical debate, with estimates ranging from 15.000 to 1.000.000. A recent report by German historians has placed that number at 25.000 at most. The event has been criticised as a war crime, though both states have upheld their decision as justified by the laws of war.

5. Points to be addressed

This list sets the main issues to be discussed during the conference.

- How can the international community create consistent, tangible consequences for war crimes after war?
- What are the ways to ensure that the responses to war crimes are enforced equally on all states, irrespective of their status as major powers?
- Other than the deterrent of punishment, what are the ways to prevent war crimes in the future?
- What measures can be taken to ensure minimal casualties and damages when armed conflict arises?
- How can we diplomatically solve international disputes before conflict between rivals arises?
- What measures should the Allies take to ensure political stability in the defeated countries (Germany, Italy, Japan) and protect their citizens from further international and national conflicts?
- During armed conflict, when one side commits major breaches of the laws of war, how can opponents balance their international law responsibilities with protecting their own population?

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