

The Nuremberg Principles

The Nuremberg Principles are a set of guidelines for determining what constitutes a war crime. They outline responsibilities and liability of leaders, politicians, and soldiers with regard to war. They define three types of crimes:

- Crime against peace
- War crime
- Crime against humanity

The document was created by necessity during the Nuremberg Trials of Nazi party members following World War 2. Under UN General Assembly Resolution 177 (2) par (a), the International Law Commission was directed to *“formulate the principles of international law recognized in the Charter of the Nuremberg Tribunal.”* The formulation by the Commission was set forth in the Report of the International Law Commission to the General Assembly covering its second session, 5 June to 29 July 1950, and published in the Yearbook of the International Law Commission, 1950, Vol. II, pp 374-378.



“Nuremberg cannot be forgotten by those who created it. The criminals and their wretched deeds may pass from memory, but the trials we have no right to forget. He who undertakes to render judgement under law assumes a responsibility that he may not thereafter shed.”

“Four nations signed the London Charter and Control Council Law No. 10 (— the two jurisdictional cornerstones of the Nuremberg Trials —) and nineteen other nations have formally proclaimed their adherence to the principles embodied therein.

Representatives of the United States took the lead in formulating those principles and in establishing the Nuremberg Tribunals for their enforcements.

“Thousands of Germans and Japanese have been tried under those principles; those found guilty have been punished... /.../ The great question today is not whether the Nuremberg Principles are valid, but whether mankind can live up to them, and whether it can live at all, if it fails.”

– [BG Telford Taylor](#), *Final Report to the Secretary of the Army on the Nuremberg War Crimes Trials under Control, Council Law No. 10, Appendix B, pp 234-235*

Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgement of the Tribunal

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 a 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, illtreatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or illtreatment of prisoners of war, of 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 inhuman 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.

