

# Seventy years since the Nuremberg Trials

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November 20 marked the seventieth anniversary of the commencement of the Nuremberg Trials. Twenty-one high-ranking Nazi officials were arraigned in courtroom 600 at the Judicial Palace in Nuremberg as defendants, accountable for unspeakable crimes and millions of deaths.

Hitler, Himmler and Goebbels were already dead, having avoided prosecution by suicide. Martin Bormann was not captured but was convicted in absentia. Two other Nazi officials who were initially charged, the leader of the German Labour Front Robert Ley and the arms baron Gustav Krupp von Bohlen und Halbach, were also not present. Ley committed suicide on the eve of the trial, while Krupp was senile, bedridden and incapable of standing trial.

However, the names of the major Nazi figures in the room were enough to send a shiver down the spine and underscore the significance of the trial. Alongside the second in command in the Nazi state, “Reichsmarshal” Hermann Göring sat the “deputy to the Führer,” Rudolf Hess, foreign minister Joachim von Ribbentrop, the supreme commander of the Wehrmacht, Wilhelm Keitel, the chief of the security police, Ernst Kaltenbrunner, the sadistic commander in occupied Poland, Hans Frank, the man responsible for the deportation of forced labourers, Fritz Sauckel, party ideologist and minister for the eastern region, Alfred Rosenberg, the editor of the Nazi newspaper *Stürmer*, Julius Streicher, and others.

Several events and exhibitions are recalling the first Nuremberg Trials, which lasted from November 20, 1945 until October 1, 1946 and concluded with a number of death sentences. The exhibition “Memorial to the Nuremberg Trials” invited three eyewitnesses to a podium discussion on 20 November. They had worked as an interpreter (George Sakheim), a guard to the chief defendant (Moritz Fuchs) and an assistant to the French judge (Eves Beigbeder). They described their experiences in detail.

George Sakheim, son of the Hamburg-based Jewish dramatist Arthur Sakheim, who grew up in exile in Palestine and New York, observed the Nazi criminals close up. He had to interpret during hearings and observed the questioning, including that of Göring. Göring sought to place all the blame on Hitler and portrayed himself as a “glamour boy,” as Fuchs put it.

Even today Sakheim remains taken aback by the appearance of Auschwitz Commandant Rudolf Höss. Ernst Kaltenbrunner’s lawyer called the mass murderer as a “witness

for the defence,” and Sakheim had to interpret during the questioning. “A person so depraved and degenerate,” Sakheim said. “With an ice-cold tone, he described the most brutal and sadistic methods of extermination in Auschwitz, how he ordered tens of thousands killed daily.” And, he added, “at that time, I was only 22 years old. It was very difficult for me to take.”

When Sakheim later heard of the sentences, he, like the other two, felt tremendous relief. At least some of the most vicious Nazis had received a just punishment. Asked about his conclusions for today, Sakheim said, “Above all, I direct a warning to the youth: never allow such a dictatorship again. Make sure to stop it at an earlier stage.”

## Memorial to the Nuremberg Trials

The Memorial exhibition, which opened in the same building five years ago, recalls the trial of the main war criminals. It provides extensive details on the course of the trial, the defendants and their lawyers, the witnesses and documents available to the court, and the international response. Original film from the trial shows how one defendant after the other stood up to declare they were not guilty. Two original benches can also be seen where the defendants sat.

The twelve subsequent trials are also documented, where doctors, jurists, businessmen like the heads of IG Farben, the generals and others were held to account, plus the Tokyo trials, where Japanese war criminals were tried.

A section of the room refers to how the Nazi past was dealt with in the Federal Republic (West Germany). Under the slogan “Victor’s justice,” journalists and politicians condemned the Nuremberg Trials, while the German judiciary blocked the further investigation of the Nazis’ crimes. Even by 1979, lifting the statute of limitation on Nazi murders passed the Bundestag only narrowly, with 255 parliamentary deputies in favour and 222 against. There were tumultuous scenes involving concentration camp survivors in the parliament’s public gallery.

The head of the exhibition, Henrike Claussen, and her education adviser Astrid Betz told the WSWS they had seen a

growing numbers of visitors, including a rising number of youth. Over the five years, they had attracted 370,000 visitors. This was due to the current wars, said Betz, which, following the events in Ukraine, the refugee crisis and most recently the Paris attacks, “have come closer to us.” Claussen also noted, “The Nuremberg Trials are no longer just an historical event, not just history.”

## **Punished for a war of aggression**

In fact, the Nuremberg trials had great historical significance. For the first time, politicians and military officers were held accountable for the crimes of a state in which they had played a major role. They were neither able to rely on national laws which legitimised their actions, nor on the orders of the government or their superiors. This stood in stark contrast to later legal decisions in the Federal Republic, which allowed numerous Nazis to remain free with the justification that they merely acted under orders.

Chief prosecutor Robert H. Jackson made his world-famous introductory speech on November 21, 1945, in which he explained, “The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating that civilisation cannot tolerate their being ignored, because it cannot survive their being repeated.” He added, “We must never forget that the record on which we judge these defendants today is the record upon which history will judge us tomorrow.”

International law, which had applied since the adoption of the Hague Convention prior to World War I and aimed to punish “war crimes,” was expanded to include the following indictable offences in Nuremberg: “crimes against peace,” “crimes against humanity,” and “conspiracy to avoid prosecution for the named crimes.” These principles were agreed upon by representatives from the Soviet Union, the United States, Britain and France in the London Statute of August 8, 1945. After the trials, these offences were consolidated in the Nuremberg Principles, formulated by the United Nations Human Rights Commission on July 29, 1950.

This document for the first time declared the preparation and conducting of a war of aggression to be a crime under international law. Principle 6, section A, states, “The crimes hereinafter set out are punishable as crimes under international law:

“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).”

In the main Nuremberg Trial, after 218 days of hearings, the court handed down twelve death sentences, three sentences of life imprisonment, four long-term imprisonments and three further not guilty verdicts on October 1, 1946. Those sentenced to death were hung on October 16. Hermann Göring committed suicide in his cell just before his execution.

Between December 1946 and April 1949, there were 12 more trials. Unlike the initial trial, these took place exclusively before US military tribunals and the sentences handed down were significantly milder and only half-heartedly implemented.

The Nuremberg Principles were issued at the onset of the Cold War and were no longer observed in the wars and mass slaughters of that period. There were no international trials to investigate the crimes of the French or Americans in Vietnam, or to investigate the 1965-66 mass murder of workers and communists by the Indonesian dictator Suharto, who was backed by the western powers, to name just some examples.

Only in the 1990s did the UN take up some of the Nuremberg principles. However, with the establishment of the International Criminal Tribunal for the Former Yugoslavia in 1993 and another for Rwanda in 1994, this was directed exclusively at regimes and autocratic rulers of the smaller countries, usually in Africa. The same applies to the International Criminal Court in The Hague, which operates independently of the UN. The Court was established by the Rome Statute of 1998, but powerful states like the United States, Russia, India, China and Israel refuse to recognise it. The greatest “success” it can boast of was the issuance of an arrest warrant against Sudanese President Omar al-Bashir for crimes against humanity.

The bloody “crimes against peace” of the past 15 years committed by the United States and European powers, with repeated wars of aggression and proxy wars in Afghanistan, Iraq, Libya and Syria, which in all respects fulfill the criteria of Principle 6 (A), were not investigated in The Hague.



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