

... By the autumn of 1938, the Nazi policy towards the Jews had reached the stage where it was directed towards the complete exclusion of Jews from German life. Pogroms were organized, which included the burning and demolishing of synagogues, the looting of Jewish businesses, and the arrest of prominent Jewish businessmen....

It was contended for the Prosecution that certain aspects of this anti-Semitic policy were connected with the plans for aggressive war. The violent measures taken against the Jews in November 1938 were nominally in retaliation for the killing of an official of the German Embassy in Paris. But the decision to seize Austria and Czechoslovakia had been made a year before. The imposition of a fine of one billion marks was made, and the confiscation of the financial holdings of the Jews was decreed, at a time when German armament expenditure had put the German treasury in difficulties, and when the reduction of expenditure on armaments was being considered....

It was further said that the connection of the anti-Semitic policy with aggressive war was not limited to economic matters....

The Nazi persecution of Jews in Germany before the war, severe and repressive as it was, cannot compare, however, with the policy pursued during the war in the occupied territories.... In the summer of 1941, however, plans were made for the 'final solution' of the Jewish question in Europe. This 'final solution' meant the extermination of the Jews....

The plan for exterminating the Jews was developed shortly after the attack on the Soviet Union....

... Adolf Eichmann, who had been put in charge of this program by Hitler, has estimated that the policy pursued resulted in the killing of 6 million Jews, of which 4 million were killed in the extermination institutions.

#### *The Law Relating to War Crimes and Crimes against Humanity*

... The Nazi leaders in the most barbaric way. Accordingly, War Crimes were committed.

The Tribunal is of course bound by the Charter, in the definition which it gives both of War Crimes and Crimes against Humanity. With respect to War Crimes, however, as has already been pointed out, the crimes defined by Article 6, Section (b), of the Charter were already recognized as War Crimes under international law. They were covered by Articles 46, 50, 52, and 56 of the Hague Convention of 1907 and Articles 2, 3, 4, 46, and 51 of the Geneva Convention of 1929. That violation of these provisions constituted crimes for which the guilty individuals were punishable is too well settled to admit of argument.

But it is argued that the Hague Convention does not apply in this case, because the 'general participation' clause in Article 2 of the Hague Convention of 1907. The clause provided:

The provisions contained in the regulations (Rules of Land Warfare) referred to in Article 1 as well as in the present Convention do not apply except between contracting powers, and then only if all the belligerents are parties to the Convention.

Several of the belligerents in the opinion of the Tribunal... of land warfare express... over existing intern... Convention expressly stated the... of war', which it thus re... in the Convention... regarded as being declaratory of... in Article 6(b) of the Charter.

With regard to Crimes aga... political opponents were murd... of them were kept in concentra... cruelty. The policy of terror v... many cases was organized an... and murder of civilians... likely to be hostile to the Go... persecution of Jews during the... against the...