

INDEX
(Draft)

LWB
(2 copies)

8 August 1945

THE UNITED STATES OF AMERICA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE UNION OF SOVIET SOCIALIST REPUBLICS, AND THE PROVISIONAL GOVERNMENT OF FRANCE, IN THEIR OWN INTERESTS AND IN THE INTERESTS OF Those Adherents to the Executive Agreement

- v -

There name the defendants, INDIVIDUALLY AND IN THEIR CAPACITY AS MEMBERS OF ANY OF THE FOLLOWING GROUPS TO WHICH THEY BELONGED, NAMELY: THE NAZI PARTY LEADERSHIP CORPS, THE SUPREME REICH AUTHORITIES, THE SS, THE SECURITY SERVICE OF THE SS, THE GESTAPO,

DEFENDANTS.

The Peoples of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, and the Provisional Government of France, acting in their own interests and in the interests of Insert names of Nations who have adhered to the Executive Agreement, HEREBY THAT:

1. The Executive Agreement dated 8 August 1945 to which the foregoing Governments are Signatories or Adherents (a) establishes an International Military Tribunal for the trial of war criminals whose offenses have no particular geographical location, (b) provides that such criminals may be accused individually or in their capacity as members of organizations _____

or groups or in both capacities, and (c) declares that the following acts, or any of them, are crimes coming within the jurisdiction of the International Military Tribunal for which there shall be individual responsibility:

"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;

"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 labor or 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;

"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.

"Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan."

2. The said Executive Agreement further declares:

"The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment."

"The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered

in mitigation of punishment, if the Tribunal determines that justice so requires.