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## THE JUDGMENT OF NUREMBERG

GEORG SCHWARZENBERGER†

"We must never forget that the record on which we judge these defendants to-day is the record on which history will judge us to-morrow."\*

The International Military Tribunal for the Trial of German Major War Criminals has been described as a tribunal of a totally unprecedented character. It has been held that there *is* no precedent for this Tribunal,<sup>1</sup> and that there is *no need* for any precedent.<sup>2</sup> The first proposition seems hardly tenable, while the second is based on rather questionable assumptions.

The trial of real and alleged war criminals by victorious opponents can be traced back to the dawn of modern international law. In the year 1268 the sovereign prince Conraddin

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The writer wishes to acknowledge his indebtedness to Dr. E. Schwelb, Legal Officer of the United Nations War Crimes Commission, for his unfailing courtesy in dealing with numerous requests for information, and for valuable criticism. The responsibility, however, for any views expressed in this article rests exclusively with the writer.

\*Mr. Justice Jackson in his Opening Speech at Nuremberg.

<sup>1</sup>Opening statement by the President of the Nuremberg Tribunal (November 20, 1945), Proceedings of the International Military Tribunal at Nuremberg (London 1946) Part 1, p. 1; and the Speaker of the House of Commons (November 22, 1945), Hansard, Parliamentary Debates, House of Commons, Vol. 416, col. 598.

<sup>2</sup>Sir Hartley Shawcross, Speech at the Close of the Case against the Individual Defendants (London 1946) 57; Lord Wright in a Broadcast, The Meaning of Nuremberg (November 22, 1946).

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