

ICJ

International Court of Justice



LASALLE CUNMUN
2026

“The Nuremberg Trials:
Foundations of International Law
or Precedent of Selective
Justice?”

BACKGROUND GUIDE





Dear delegates,

I am very proud to welcome you to the LASALLECUNMUN2026. I am Ana Sofia Olivera Acevedo, and I am your current President of the International Court of Justice. Our chair will consist of Melissa Sanchez Caudillo as the Vice President / Moderator and Rebeca Zanabria Ochoa as your Conference Officer. We are here to change something, discussing a topic where you can analyze the way the International Justice has been executed. I know you will enjoy it.

I am 18 years old, and I am in my sixth semester at Universidad La Salle Cancun in humanities. The reason I chose this committee and topic in specific is that I am in love with history, in particular this historical event, and I am pretty sure that tons of you are too, because this talk is something commonly coming to the table when we are talking about World War II. Last year I was the Conference Officer and immediately wanted to represent the International Court of Justice again as the President. I was in primary school at the English debate group where I discovered the power of raising our voices, having critical thinking, and the hunger to learn about everything that is around us. I am currently the mother of a border collie whose name is Molly, and excited about college. I love to go outside and watch God's creations while I am running and spend time with my loved ones.

I am expecting to hear different points of view and a healthy debate, surrounded by a lot of hungry people like me, the ones who will be expecting to express our thoughts at the same time we learn new strategies defending our statements. Hoping we have a great time, making new friends and having fun, any doubt or question you could have, i will be pleased to answer.

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COMMITE DESCRIPTION

The International Court of Justice is the main judicial body of the United Nations. The Court has a dual mission: the settlement in accordance with international law of disputes submitted to it by States, and the issuance of opinions on legal issues submitted to it by the organs or agencies of the United Nations system that are authorized to do so.

Topic: "The Nuremberg Trials: Foundations of International Law or Precedent of selective justice"

INTRODUCTION

Formerly, the government's leaders were never punished, no matter what they do, but after World War II ended, the most important German leaders who were still alive were accused of Germany's crimes before and during the Nazi government. The trial, intentionally being in Nuremberg, was executed by an International Military Tribunal (IMT), announced on August 8 of 1945, with the participation of multiple judges from the Allied powers (United States of America, the Soviet Union, France, and Great Britain). This was an important event because it represented the first time that different countries came together to judge government and military crimes against humanity

The attributed crimes were the war without reason, torture, enslave and multiple experiments on people; the Holocaust crimes were included. Even though the accused leaders denied that they were responsible, they directly defended that they were only following orders from a higher authority.

October first of 1946, the last session of the trials was started, this was the one that would determine whether the Nazi Leaders were innocent or guilty. Even though the accused ones knew that they were guilty by the multiple documents, videos, pictures, and testimonies, there was a Little bit of hope, wishing they did not get a harsh sentence

In total, with more than 4800 requests, approximately 611 Nazis were tried individually. The most outstanding were: Hermann Göring (Commander-in-chief of the Luftwaffe), Karl Dönitz (Adolf Hitler successor after his suicide), Rudolf Hess (Hitler private secretary who were captured by the British in a secret mission), Alfred Jodl (chief of staff of the Wehrmacht), Wilhelm Keitel (head of the high command of the Wehrmacht), Alfred Rosenberg (Autor of a book highlighting his racist and national socialist ideology), Joachim Von Ribbentrop (minister of foreign affairs), Albert Speer (minister of armaments) and Franz Von Papen (former leader of the Conservative Party). Unfortunately, Joseph Goebbels (Minister of Propaganda) committed suicide in the Berlin bunker, and Heinrich Himmler (General Captain of the SS) took his own life too, after being captured by a British border control, after trying to flee, such as Adolf Eichmann, Martin Bormann, and Josef Mengele.

HISTORICAL BACKGROUND

The Allies genuinely felt the need to prosecute the atrocious crimes that had occurred. The Holocaust, as the systematic extermination of millions of people for racial, sexual, and religious reasons, represented a paradigmatic case of crimes against humanity. Furthermore, the national legal systems of the affected countries were either insufficient or had been destroyed, and the scale of the crimes exceeded the existing international legal frameworks governing war. This combination of factors demands the creation of an international tribunal.

The Nuremberg Trials took place at the end of the Second World War, although the Allies, primarily the United States, had been planning them even before the war ended. When the time came to decide, the Allies faced two options: either execute the newly captured Nazis, as proposed by the USSR and initially supported by Churchill too, or hold a trial that could be deemed fair, as proposed by Henry L. Stimson, the U.S. Secretary of War. Stimson argued that the Allies needed to uphold a morally and ethically correct position, in contrast to the German actions.

The trials were not intended merely to punish, but also to establish precedents for international peace and justice. They present the first attempt of their kind, as there was no prior document or any treatise to provide for the creation of an international military tribunal.

The choice of the location was not accidental. Among the few available options in the aftermath of the war, the Allies decided in the summer of 1945 that the trials would take place in Nuremberg. Despite more than three-quarters of the city being reduced to rubble, Nuremberg was a symbolically significant location for Germans, as it had been the site where antisemitic laws were promulgated. Additionally, the city housed the Palace of Justice, one of the few facilities capable of accommodating the trials. The first session was held in Berlin, where the charges were presented to those who were judged before continuing in Nuremberg.

Due to the controversial nature of the trials, they faced significant criticism, particularly regarding the impartiality of the tribunal. The judges were selected solely from the victorious powers, rather than from an independent juridical system, and the defense did not have equal standing. Consequently, historians and lawyers have been debating even to this day the credibility of the proceedings. One of the most significant shortcomings of the trials was that the accused were denied the right to appeal, which was especially critical in cases, even more so when the death penalty is involved. Moreover, enough time and facilities were not provided for the preparation of an adequate defense. It could also be remarked that the laws used to judge the criminal were created after the accusations, and based on basic pillars of law, a person who commits a crime before it is illegal cannot be judged

CURRENT SITUATION

After the First World War, several nations attempted more than once to hold the perpetrators of international crimes criminally responsible. These efforts can be understood as important precedents for International Criminal Law, such as the 1919 Treaty of Versailles. However, this in the Nuremberg Trials, since, for the first time in history, individuals were prosecuted to be judge by an International Tribunal and held personally accountable for crimes against humanity.

It is important to clarify that these trials are considered the foundation of International Criminal Law; they have also faced strong criticism regarding their legality. Many have described them as ‘the justice victors’, arguing that the war crimes committed by the Allied Powers were largely ignored, such as bombing, massacres, the rape of German women by Soviet soldiers, and the devastating nuclear attack on Hiroshima and Nagasaki. Three main aspects continue to catch the attention of law students even today. Starting for the charges for which the defendants were tried were created after the events occurred. After that, the tribunal lacked impartial jurisdiction, as only the crimes committed by one side were examined. And finally, only the main perpetrators were tried; those who were of a lower rank were judged by special courts under the justification that they were merely following order — a point of view that is even these days highly debatable.

The defendants were accused of conspiracy, crimes against peace, war crimes, and crimes against humanity. At that moment, the defense argued that individuals could not be legally responsible under international law, mentioning the principle of “*Nellum crimen sine Lege*”, that a person cannot be judged for a crime that was not legally defined at the time of its commission. However, the judges rejected this argument, the reason why they did it was that it is men who commit crimes, not abstract entities. Two additional principles were also established: Obeying a superior’s order does not exempt a person from criminal responsibilities & even heads of state, like a president, for example, are not immune from international criminal accountability.

It is fundamental to remark that several institutions and treaties were lately derived from or deeply influenced by the Nuremberg Trials:

Among them is the International Criminal Court, which prosecutes crimes of an international nature, such as genocide, war crimes, crimes against humanity, and aggression. All based on the principles that emerged from Nuremberg. The International Criminal Tribunal from Yugoslavia, created in 1993 by the UN Security Council to address the conflicts in the Balkans, and the International Criminal Tribunal from Rwanda, established to prosecute those responsible for the Rwanda genocide, were also directly correlated with the Nuremberg Precedents.

On the other hand, many international treaties, conventions, and norms were directly related or strongly inspired by the Nuremberg legacy. For example, the Convention on the Prevention and Punishment of the Crime of Genocide (1948), and also the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

JUDGES BOX

Party of Germany

Allie party

Alexander F. Volchok

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François de Menthon

Geoffrey Lawrence, Sir

Hartley Shawcross, Sir

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John J. Parker

Norman Birkett

Robert Falco

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GUIDE QUESTIONS

- I. Was it fair the way the world judges the nazi's crimes?
- II. From the Allies' perspective, how did they justify the application of retroactive laws in the Trials?
- III. In what way did the trials address individual responsibility versus collective guilt?
- IV. It was legit to judge the nazis leaders under laws that did not exist before their actions?

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