

## FOREWORD

In November 1945, an international military court—the likes of which had never previously existed—began criminal proceedings against high ranking Nazis in Nuremberg, Germany. When this International Military Tribunal (IMT), completed its work in August 1946, the American military government in occupied Germany held twelve more war crimes trials in Nuremberg. These follow-on “subsequent proceedings” indicted—and convicted—commanders, doctors, lawyers, judges, industrialists, bankers, and other Germans who had willingly participated in war crimes, crimes against peace, and crimes against humanity.

Taken together, the IMT and the twelve subsequent proceedings changed international law forever. For the first time in history, criminal tribunals had determined that there was *individual* criminal responsibility for violations of international law and the law of armed conflict (LOAC), including responsibility for acts of state. Prior to this, individuals in the armed forces who committed criminal offenses under orders or sanction of their government or commander were not individually liable for misconduct. But the horrendous crimes committed by the Nazis both before and during World War II resulted in a recognition that, since war crimes are committed by individuals, *only by punishing individuals* can the provisions of international law and LOAC be enforced. The IMT and subsequent proceedings also stand for the principle that an individual has duties under international law that *transcend the national obligations* of obedience to an individual state.

Recognizing the importance of the IMT and subsequent proceedings, a select group of scholars came together at The Judge Advocate General’s Legal Center and School on 19 November 2020 to commemorate the seventy-fifth anniversary of the commencement of the trials in Nuremberg. The contents of this issue of the *Military Law Review*—articles that resulted from the symposium—reflect the importance of the trials at Nuremberg in legal history.

After introductory remarks from Colonel Sean McGarry, Dean of The Judge Advocate General’s Legal Center and School, there were seven speakers: Mr. Fred Borch, the Regimental Historian and Archivist for The Judge Advocate General’s Corps; Dr. William Meinecke Jr., a historian at

the U.S. Holocaust Museum; Professor Geoffrey Corn of the South Texas College of Law; Professor Gary Solis of Georgetown Law School; Ms. Andrea Harrison of the International Committee of the Red Cross; Professor Tom Nachbar of the University of Virginia Law School; and Lieutenant General Charles Pede, The 40th Judge Advocate General of the U.S. Army. The speakers discussed the history of the IMT and the twelve subsequent proceedings. One speaker focused on how the rule of law was perverted by the Nazis, in that they transformed German jurisprudence into an organized system of injustice and persecution. Another speaker examined how the Nuremberg proceedings firmly established that there is individual criminal responsibility for violation of LOAC—a major development in the law. Still another talked about the impact that the Nuremberg proceedings will continue to have on the evolution of international law and LOAC.

As we move into the third decade of the twenty-first century, there is every reason to believe that the importance of the IMT and the twelve subsequent proceedings will continue and that this special issue of the *Military Law Review* will be a ready source for those interested the evolution of international law and LOAC.

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