Index

Acheson, Dean, 176–177, 184, 293
aggression, see also Conventions for the
Definition of Aggression
colonialism as, 273–276
concept of
as not a stand-alone crime, 61–62
Covenant of the League of Nations
Article 10, 28
assessing, 28
emergence, 2
Geneva Protocol, 20
Article 10, 20–21
Kellogg–Briand Pact, 27–28
Treaty of Versailles, 8–9
criminalisation of
history, ix–xii
interwar lack of progress, 45–46
Kellogg–Briand Pact, 28
definition of
as being impossible, 161
as being responsibility of UN, 99
atomic weapon first-strike, 265,
271–272
distinction between war of and act of,
162–163
during war, 162
enumerative definitions, 34–36
first strike, 36–39, 277, see also priority
principle
Franklin Roosevelt, 38
‘King-of-France’ resolution, 263
London Conference (26 June to 2
August 1945), 98–100
UN discussions
agreement, 276
Cold War debates, 266–269
emergence of the non-aligned
states, 269–271
General Assembly Resolution 3314
(XXIX), 278–286
invasion of Goa, 272–276
usefulness of, 269
Vishinsky, 263–268
International Criminal Court, 290
London Conference (26 June to 2 August
1945), 87–89
definition of, 98–100
limits on, 101–103
Nuremberg Judgment, 165–169
Nuremberg sentencing, 170
self-determination and, 272–276
threat of, 271
through proxies, 39–40
unease over convictions for crimes
against peace, 169–170
Alderman, Sidney, 93–94, 102, 116
Allen, Roger, 47, 75
Amery, Leo, 18–19
Anderson, Kenneth, 288
Anti-war Treaty of Non-aggression and
Conciliation (Saavedra Lamas
Treaty, October 10, 1933), 44
Appleman, John, 134
armed bands, 39–40, 278
atomic bombings, 172, 178, 200–201, 265
Attlee, Clement, 158
Austin, Warren, 174
Avonmouth, Operation, 151–152
Baer, Marcel de, 50, 53, 131
Bailey, Kenneth, 277
Baldwin, Stanley, 22
Balfour, John, 54
Ban Ki-moon, 288
Barrington, Harcourt, 156
Basdevant, Jules, 92, 251
Bassin, Jules, 285–286
INDEX 307

Bastid, Paul, 39
Beckett, Eric, 155, 174, 185
Benes, Edvard, 53
Bennett, William 'Tap', 281
Bernard, Henri, 235, 247–249, 251–252
Bernays, Murray, 67–70, 105, 107, 108, 109, 116
Best, Geoffroy, 287
Bevin, Ernest, 158, 180, 181–182
Bial, Louis, 168–169
Bidault, Georges, 65, 92–93
Biddle, Francis, 161, 162, 173
Blake, Homer, 225–226, 227
Blakemore, Thomas, 202
Blakeney, Ben Bruce, 195, 214, 225, 226, 227, 228, 229, 231–232, 246
Blank, Margarete, 147
Blewett, George, 194, 214, 220
Bliss, Tasker, 12–13
Bluntschli, Johann Kaspar, 62
Body, A. H., 266
Boettiger, John, 74
Boister, Neil, 210, 246
Boon, Hendrik, 214, 215
Borchart, Edwin M., 30, 41, 42, 73, 93, 109, 137
Brannon, John, 195, 196, 197
Briante, Yves Leroy de la, 39
Brierly, James, 43, 73, 131, 259, 293
Brown, Brendan, 192, 195–196, 205, 206, 207, 209
Brownlie, Ian, 215
Bruce, Stanley, 30–31
Buban, Ivan, 143
Bukharin, Nikolai, 48
Bulamov, Mikhail Petrovich, 53–54
Bundy, McGeorge, 170
Bush, Jonathan A., 50, 72, 75, 132, 171
Byrnes, James, 84, 85, 174
Cadogan, Sir Alexander, 142
Cardozo, Benjamin, 205
Cassin, René, 53
Castle, William, 32–33
Cecil, Lord Robert, 13, 18, 53
chain of crimes concept, 54, 61–62, 72, 117, 129–130, 197, 199, 200–201
Chamberlain, Austen, 24, 29–30, 213
Chanler, William, 71, 72, 74, 107, 108, 132
Chiang Kai-shek, 176

Chilton, H.G., 31
'Churchill' (journalist), 152–153
iron curtain speech, 143
proposed shooting without trial, 77
setting up of UNWCC, 58
Clark, Tom, 181
Claude, Inis, 285
Clausen, Paul, 24
Claxton, Philander, 257
Clemenceau, Georges, 2, 7–8, 10
Clyde, R.A., 80, 90, 92, 93
Code of Offences Against the Peace and Security of Mankind, xi, 261–262
colonialism, as aggression, 273–276
Commission for the Organisation and Conduct of the Nuremberg Trial, 142–143
Commission on Reparations, 8
Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties alleged crimes of Germany, 4–6
American reservations, 6, 90, 93, 127
compromise, 7–11
formation, 3–4
Japanese reservations, 6–7
Committee on the Codification of International Law, 173
‘common plan or conspiracy’, 49–50
IMT Nuremberg, 105, 115
American management of the case, 114–115
limits on, 165–166
proposed use of concept, 68–70
IMTFE Tokyo, 192–197, 212
London Conference (26 June to 2 August 1945), 103–106
communist threat, IMTFE, 215–218
complicity
charge of, 56
of financial and industrial magnates, 51
conspiracy, see ‘common plan or conspiracy’
Constantinople trials (under Treaty of Sévres), 76
Conventions for the Definition of Aggression (July 1933), 40, 98
Coolidge, Calvin, 24
Council of Four, 7–8
Covenant of the League of Nations, 73, 182, 292
Article 8, 16
Covenant of the League of Nations (cont.)
Article 10, 12–13, 14, 16
Article 11, 12, 13
Article 12, 13–14
Article 14, 14
Article 15, 14, 20
Article 16, 14, 16, 21
attempts to close gaps, 16–19
jus contra bellum, 14–16
template for peace, 11–14
Cowles, Willard, 64, 73
Craigie, Robert, 25, 26
Cramer, Myron, 73, 242, 243, 244, 245
crime, usage of the word, League of Nations, 17
crimes against humanity, 91, 137, 171, 189–190
crimes against peace, 49–50
as an ad hoc charge, 101
defined in Nuremberg Charter
Article 6(a), 104
International Military Tribunal for the Far East, Tokyo
criticism of, 250–256
failure of, 221–222
Judgment, 250
opinio juris, 209–212
Radhabinod Pal objections to, 234, 236–238
International Military Tribunal, Nuremberg, 115
British management of the case, 115
Radhabinod Pal objections to, 236–238, 250–251
universal application of, 140
timing of creation of the charge, 110–112
UN General Assembly Resolution 3314, 280–282
Cryer, Robert, 210, 246
Cunningham, Owen, 215
Curzon, Lord, 11
customary law, in international law, 133–134
Danner, Allison Marston, 200
Davis, Norman, 38
Dean, Patrick, 63, 79, 80–81, 99, 107, 121, 152, 159, 171, 173–174, 179, 180, 289
Deane, John, 233–234
Declaration on the Granting of Independence to Colonial Countries and Peoples, 272
Article 1, 272
Dening, Esler, 239, 241, 251
destroyers-for-bases agreement, 41, 42–45
Dickhoff, Hans Heinrich, 142
disarmament, League of Nations,
Assembly Resolution 14, 16
Dodd, Thomas, 148
Doherty, Charles, 13
Donnedieu de Vabres, Henri, 69–70, 137, 161, 164
Donovan, William, 96
Dubost, Charles, 106, 130–131, 251
Eagleton, Clyde, 9, 15, 29, 31, 109
Ecker, Bohuslav, 50, 58–59, 60–63, 72, 101, 107, 131
economic aggression
and the UK, 270–271
IMTFE, 218–220
Economist, 164
Eden, Anthony, 37, 40, 75, 76, 80, 105
opposition to trial of German leaders, 75–76
Egypt, relations with UK, 26, 29–31, 270
Ehren, Hans, 123, 135
Eighth Assembly of the League of Nations (1927) Resolution, 133
use in Nuremberg trials, 117
Ex parte Quirin, 317 U.S. 1 (1942), 168
executed conspiracy, 245
Fahy, Charles, 174–175
Falco, Robert, 162
Fenwick, Charles, 109
Finch, George, 93, 134, 137, 258
first strike, 36–39, 277, see also priority principle
Fisher, Adrian, 160–161
Fite, Katherine, 257
Fitzmaurice, Gerald, 49, 60, 120–121, 234, 243, 267–268, 269, 279–271
Flanner, Janet, 143, 144–145
Flick, Friedrich, 17
Flournay, R.W., 82
force, and justice, 288–289
Forsythe, David, 276
Fourges du Parc, 157
France, plans to invade Norway, 150
Franck, Thomas, 292
Frank, Hans, 113
Frankfurter, Felix, 119
Frenter, Alwyn, 73–74
Frick, Wilhelm, 113
Fritzsche, Hans, 113, 169–170
Fur, Louis Le, 39
Furness, George, 224, 230
Garner, Frederick, 211, 239, 241
Garner, James W., 10
INDEX

Gaus affidavit, 146–147
Gaus, Friedrich, 146–147, 148
General Treaty for Renunciation of War as an Instrument of National Policy, see Kellogg-Briand Pact
Geneva Protocol (Protocol for the Pacific Settlement of International Disputes), 19–23, 73, 133
Article 10, 21
use in Nuremberg trials, 117, 167
genocide, French focus on at Nuremberg IMT, 130–131
German-Soviet Frontier and Friendship Pact, 145
Gibson, Hugh, 37
Glass, Carter, 32
Glueck, Sheldon, 108–109, 131, 132–134
Göring, Hermann, 113
Golunsky, Sergei Alexandrovitch, 202, 222, 223–224, 227
Goodhart, A.L., 289
Gorman, Robert O., 71
Griffith-Jones, Mervyn, 127
Gross, Leo, 137
Hadji-Mischeff, Pantcho, 39
Hague Conventions, 5, 41–43, 44, 56, 133, 166–167, 247–248
Hart, H.L.A., 210
Harvey, Oliver, 120–121, 157
Hata Shunroku, 216
heads of states
answerable only to their own people, 6
liability of, 4
Heller, Kevin Jon, 222
Henkin, Louis, 292
Herriot, Édouard, 19
Hess, Rudolf, 47, 113
imprisoned solely for crimes against peace, 171
treated more harshly than predecessors, 138, 139
Hewart, Sir Gordon, 3
Higgins, Carlisle, 187
Higgins, John, 243
High Command Trial (United States of America v Wilhelm von Leeb, et al., 1948), 222
Hirohito/Emperor Shōwa, 191–192, 255, 258
Hiroshima, 178, 200–201
Hirotta Kōki, 255
Hirsch, Francine, 50, 70
Ho Chi Minh, 276
Horn, Martin, 144–145
Horwitz, Solis, 193, 197, 256
Houghton, Alanson, 31
Hughes, William, 2
Hula, Erich, 101, 137, 258
Hull, Cordell, 65, 66, 89
Hurst, Sir Cecil, 27, 64
Hyde, Charles Chesney, 42
Hyde, H.M., 161
ideological aggression, 215–218, 251
IG Farben Trial (United States of America v Carl Krauch, et al., 1947), 222
Ihering, Rudolf von, 61
illegal wars, still regulated by rules of warfare, 60
illegality, and criminality, 166–167
India, invasion of Goa, 272–276
individual responsibility and retroactivity, 137–139
argued at Nuremberg, 121–122, 126–127, 130
at Tokyo, 194–195
Keenan opening speech at Tokyo IMTFE, 207
London Conference (26 June to 2 August 1945), 85–87
Nuremberg Judgment, 167–168
Instrument of Surrender, 184, 192
interference, war as response to, 30
International Criminal Court and the issue of sovereignty, 289–292
formation of, 53
international law
and states’ vital interests, 293
as developing, 274
as transformative, 206
criminality of breach of, 60
natural v positive, 205
International Law: A Treatise (Oppenheim/Lauterpacht), 213
International Law Commission, 175, 261–263, 265, 266
International Military Tribunal for the Far East (Tokyo, IMTFE), xi, see also Tokyo Charter
agreement of charges, 181–185
aims and scope, 172, 176–178, 180, 182–183
bench
appointment of judges, 181
MacArthur appointment of temporary Court President, 234, 241–243
threats of resignations, 238–241
British involvement, 180–182
category A, B, C crimes, 182
choice of defendants, 191–192
comparison between German and Japanese actions, 189–191
INDEX

International Military Tribunal for the Far East (Tokyo, IMTFE) (cont.)
  conspiracy charges, 245, 249–250, 252
  contesting the Charter, 234–238
  creation of the Indictment, 185–189
  crimes against humanity charge, 190
  crimes against peace
    criticism of, 250–256
    failure of, 221–222
    Judgment, 250
  opinio juris, 209–212
  Radhabinod Pal objections to, 234, 236–238
  criticism of, 256–258
  destruction of evidence, 179
  focus on aggressive war, 178–180
  historical analysis, 247–248

Indictment
  Count 1, 193
  Counts 2–4, 193
  Counts 2–5, 249–250
  Count 5, 193, 232
  Counts 6–17, 249–250
  Counts 18–26, 250
  Count 26, 250
  Count 28, 250
  Count 30, 250
  Count 34, 250
  Count 36, 250
  Counts 37–38, 249–250
  Count 39, 198
  Counts 39–43, 198, 250
  Count 44, 249–250
  Counts 45–52, 250
  Counts 51–52, 198
  Count 53, 249–250
  delays in producing, 201–203

Judgment
  dissents and separate opinions, 250–255, 286–287
  long-term influence, 260–261
  publication, 260
  separate drafts, 244–247
  verdicts, 255–256
  Manchurian border conflicts, 222–229, 247–248
  murder charges, 197–201, 212, 250
  on senior figures who had failed to prevent the commission of war crimes, 6–7
  proceedings, 204–205
  Keenan’s opening speech, 207–208
  reference to Cold War, 216–217
  self-defence, 212
  communist threat, 215–218
  economic strangulation and military encirclement, 218–221
  Kellogg-Briand Pact, 213–215

Soviet affidavits and witnesses, 227–229
Soviet-Japanese Neutrality Pact, 222, 223, 229
use of conspiracy, 192–197
WWII as unique, 189–192

International Military Tribunal
  (Nuremberg, IMT), see also London Conference; Nuremberg Charter; Nürnberg Principles
acquittals, 169–170
ad hoc nature of, 103
aims, 113–114
British opposition to, 75–82
chain of crimes approach, 129–130
construction of framework for charges, 67–75
decision to hold, x–xi
double standards, 140–142, 160, 163–165

Indictment
  Count 1, conspiracy to plan and wage aggressive war (‘common plan or conspiracy’), 103–105, 115
  American management of the case, 115
  Count 2, planning and waging aggressive war (‘crimes against peace’), 115
  British management of the case, 115
  universal application of, 140
  Count 3, war crimes
    management of the case, 115
  Count 4, crimes against humanity
    focus on genocide, 130–131
    management of the case, 115
    shift in emphasis to, 171

Judgment
  aggression, 165–169
  conspiracy, 165–166
  Count 1, conspiracy to plan and wage aggressive war (‘common plan or conspiracy’), 161–162
  Count 2, planning and waging aggressive war (‘crimes against peace’), 161, 162–164
  drafting of, 160–165
  effect on Tokyo IMTFE, 200
  individual responsibility, 167–168
  use of customary law, 167
  use of Kellogg-Briand Pact, 166–167
  use of Nuremberg Charter, 166
  juridical debate over, 131–139
  London Conference (26 June to 2 August 1945), 84–85, 87–89
  definition of, 98–100
  Molotov–Ribbentrop Pact, 142–149, 162–165

© in this web service Cambridge University Press
www.cambridge.org

Cambridge University Press
978-1-107-02884-5 - ‘Crimes against Peace’ and International Law
Kirsten Sellars
Index
More information
Norway and the violation of neutrality, 149–160, 164
not a substitute for D-day, 288
proceedings
appearance of defendants, 113
British opening statements, 119–123
defence response, 123–127
Jackson on custom and innovation, 96–97, 114–118
on maintaining the status quo, 118–119
Shawcross answers the defence, 127–129
selectivity, 171–172
sentences, 169–171
International Prosecution Section, 179, 185–186, 187
on maintaining the status quo, 118–119, 237
opening prosecution’s case at Nuremberg IMT, 96–97, 114–118
opposition to UN ‘Nürnberg Principles’ resolution, 173–175
pre-empting German counter-charges on aggression, 141
on universal application of crimes against peace, 140
Jahrreiss, Hermann, 97–98, 124–127, 137, 168
Jaranilla, Delfin, 244, 248–249
Jessup, Philip, 42
Jha, C.S., 273, 274
Jodl, Alfred, 150
John Paul II, Pope, 288
Johnson, Hiram, 32
Johnson, Lyndon, 276
Jolie, Angelina, 288
Jowitt, William, 181, 240, 241
jus contra bellum, Covenant of the League of Nations, 14–16
just cause, 263, 276, 285
just war, 14, 15, 43, 44, 55, 117, 121, 207, 220, 273
Kamenev, Lev, 48
Kaplan, Sidney, 98
Karev, D.S., 142
disregard for procedural fairness, 208
opening speech at Tokyo IMTFE, 207–208
pre-war international arrangements reflecting superior cultures, 209
view of international law, 205–207
Keitel, Wilhelm, 113, 150
Kellogg, Frank, 23, 24–25, 27–28, 124, 219, see also Kellogg–Briand Pact
application to German leaders, 71–72, 73, 74
Article I, 25
Article II, 25, 26 as nullified by repeated violations, 125–126, 128–129
consideration for reference in Nuremberg Charter, 100
Japanese expansionism, 32–33
non-recognition of territorial gains, 32–33
significance, 33
signing and ratification, 31–32
Tokyo Judgment, 249
use in Nuremberg trials, 117, 121, 124, 166–167
use in Tokyo trials, 182
Kelsen, Hans, 9, 15, 86, 109, 131, 135, 136, 167
Kennan, George, 229, 256–257
Kharkov trial (December 1943), 53–55
British comment on, 75
Khrushchev, Nikita, 274
Kidd, Isaac, 198
Kido Köichi, 218
Killick, John, 243
King, Wunsz, 64
Kirchheimer, Otto 140
Kirk, Alexander, 225
Kiyose Ichirō, 201
Kochavi, Arieh, 64, 110
Koepke, Gerhard, 142
Koestring, Ernst, 144–145
Kolesnik, Dmitri, 281–282
Kranzbühler, Otto, 139
Krupp Trial (United States of America v Alfred Krupp, et al., 1947), 222
Kunz, Josef, ix
Langheld, Wilhelm, 53–54
Lansing, Robert, 3, 6
Lapradelle, Albert de, 39
Larnaude, Ferdinand, 3
INDEX

Lawrence, Geoffrey, 146–147, 148–149, 170–171
laws of war, see also Hague Conventions application to all wars, 62–63, 199–200
Lazarus, George, 216–217
League of Nations, see also Covenant of the League of Nations; Eighth Assembly of the League of Nations
Assembly Resolution 14 (1922), 16
exit of Germany, 40
exit of Japan, 40
looked to for solutions to the problem of war, 2
Leipzig trials (under Treaty of Versailles), failure of, 76
Lend-Lease Act (US, 1941), 41, 42–45
Leonhardt, Hans, 259
Levy, Alfred, 131
Lindsay, Sir Ronald, 33
Lippe, V.F. von der, 144
Litvinov, Maxim, 34, 36–37, 225, 264
Lloyd George, David, 7–8, 10
prevailed upon Netherlands government not to surrender Wilhelm II for trial, 11
proposal to prosecute ex-Kaiser, 1, 4
Locarno non-aggression treaties (16 October 1925), 22
Logan, William, 218–219
London Agreement, 103, 111, 136
London Conference (26 June to 2 August 1945), 84–85
aggression, 87–89
definition of, 98–100
limits on, 101–103
as defining a new legal regime, 107–110
‘common plan or conspiracy’ proposal, 103–106
excising the causes of war, 94–98
individual responsibility, 85–87
retroactivity, 89–94
Lopez, Pedro, 202
Luban, David 50, 69–70, 138, 169
lynch-law, threat of, 76
Lytton Report, 128, 216, 247
appointment of a IMTFE temporary Court President, 234
MacDonald, Ramsay, 18, 19, 22
Machtig, Eric, 240
Malkin, William, 38–39
Manchurian border conflicts, 222–229, 247–248
Manner, George, 131
Mansfield, Alan, 187, 227
Marino v United States 91 F.2d 691 (1937), 68, 196
Marriner, Theodore, 24
Marrus, Michael, 69
Marshall, George C., 232
Masaryk, Jan, 53
Massey, William, 3
McCloy, John J., 78, 85, 177
McDouggall, Stuart, 235, 238, 244, 251
McNair, Arnold, 50, 59–60, 72–73
Mei Ju-ao, 244, 245, 246
Meltzer, Bernard, 136, 160
Menthon, François de, 93, 129, 130, 141
Messersmith, George, 43
Miller, David Hunter, 13, 15, 24, 29, 34, 213
Ministries Trial (United States of America v Ernst von Weizsäcker, et al.), 222
Molotov, Vyacheslav, 47, 142–143, 146–147
Molotov–Ribbentrop Pact, 267–268
at Nuremberg IMTFE, 142–149, 162–165
secret annex, 145–148
Monroe Doctrine, 10, 22, 29, 30
Moor, J.M. de, 53
Morgenthau, Henry, 64–67
Morris, Harold, 181
Moscow Declaration (Declaration of German Atrocities) (Moscow, 1 November 1943), 52, 53, 56, 78
Munich Pact, 141
murder charge
not part of international law, 212
Tokyo IMTFE, 197–201, 212, 250
Murray, Gilbert, 289
Mussolini, Benito, 213
indictment for aggression against Ethiopia, 71
Nagasaki, 178, 200–201
naked conspiracy, 245, 246–247
Nandy, Ashis, 251
Napoleon Bonaparte, exiled to St Helena, 138
Napoleon, Louis, exile, 138
Napoleonic precedent, 78
natural law, 29, 63–64, 122, 124, 136, 169, 205–207, 209, 235–236, 251–253, 276
<table>
<thead>
<tr>
<th>Name</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nelte, Otto</td>
<td>152–153</td>
</tr>
<tr>
<td>Newton, Sir Basil</td>
<td>152, 155, 171</td>
</tr>
<tr>
<td>Nikitchenko, Iona</td>
<td>95–96, 99, 100, 102, 106, 162, 170</td>
</tr>
<tr>
<td>Nimitz, Chester</td>
<td>178</td>
</tr>
<tr>
<td>Norway, Allied invasion plans for</td>
<td>150–160</td>
</tr>
<tr>
<td>Nuremberg Charter</td>
<td>x</td>
</tr>
<tr>
<td>O'Leary, Sir Humphrey</td>
<td>235, 236, 238, 243, 244, 245, 246</td>
</tr>
<tr>
<td>Oneto, Robert</td>
<td>217, 248, 249</td>
</tr>
<tr>
<td>Oppenheim, Lassa</td>
<td>26, 73, 213</td>
</tr>
<tr>
<td>Orlando, Vittorio E.</td>
<td>2, 7–8</td>
</tr>
<tr>
<td>Oshima Hiroshi</td>
<td>204–205, 215, 232</td>
</tr>
<tr>
<td>Osiel, Mark</td>
<td>192</td>
</tr>
<tr>
<td>Overy, Richard</td>
<td>70</td>
</tr>
<tr>
<td>Pact of Paris</td>
<td>169–170</td>
</tr>
<tr>
<td>Paris Peace Conference</td>
<td>121, 154</td>
</tr>
<tr>
<td>Paulson, Stanley</td>
<td>124</td>
</tr>
<tr>
<td>Pearl Harbor</td>
<td>177–179, 179, 185, 197, 198, 218, 223, 232</td>
</tr>
<tr>
<td>Peckhoff, Zinovy</td>
<td>255–256</td>
</tr>
<tr>
<td>Pell, Herbert</td>
<td>71</td>
</tr>
<tr>
<td>Pink, Sir Ivor</td>
<td>113</td>
</tr>
<tr>
<td>Pokrowsky, V.Y.</td>
<td>141</td>
</tr>
<tr>
<td>Politis, Nicolas</td>
<td>3, 21–22, 39</td>
</tr>
<tr>
<td>Pollock, Sir Ernest</td>
<td>1, 3, 4–5</td>
</tr>
<tr>
<td>Pompe, Cornelis</td>
<td>61–62, 110–111, 130, 131, 167</td>
</tr>
<tr>
<td>Pound, Roscoe</td>
<td>ix</td>
</tr>
<tr>
<td>Quilliam, Ronald</td>
<td>189, 202, 221, 223</td>
</tr>
<tr>
<td>Radin, Max</td>
<td>137, 258</td>
</tr>
<tr>
<td>Raeder, Erich</td>
<td>150</td>
</tr>
<tr>
<td>Reed, Maurice</td>
<td>202, 203, 243</td>
</tr>
<tr>
<td>Renouvin, Pierre</td>
<td>106</td>
</tr>
<tr>
<td>Rheinstein, Max</td>
<td>134–135</td>
</tr>
<tr>
<td>Reid, Maurice</td>
<td>202, 203, 243</td>
</tr>
<tr>
<td>Rheinstein, Max</td>
<td>134–135</td>
</tr>
<tr>
<td>Rheinstein, Max</td>
<td>134–135</td>
</tr>
</tbody>
</table>
Index

Ribbentrop, Joachim von, 113, 145, 147, 150
Ribes, Auguste Champetier de, 106
Ritz, Hans, 53–54
Röchling, Hermann, 222
Rolin-Jacquemyns, Edouard, 3
Rome Statute (1998), 290
Romilly, Giles, 152–153, 154
Roosevelt, Franklin D., 38, 40, 41, 52, 65, 74, 178
Rosenberg, Alfred, 113, 150
Rosenman, Samuel, 78, 85, 110
rough justice, Robert Jackson argument on US neutrality in 1940, 45
Rowe, James, 160–161, 162–163
Royall, Kenneth, 257
Rudenko, Roman, 142–143, 145, 146–147, 148–149
Russian revolution (1917), 15
Salmon, Patrick, 144, 150–151, 154
Sargent, Sir Orme, 239, 240, 241
Sato Kenryo, 195
Sawada Setsuzo, 31
Scali, John, 279, 281–282
Selle, Georges, 39
Schacht, Hjalmar, 105, 169–170
Schachter, Oscar, 160, 167
Schick, Franz, 135, 137
Schmidt, Guido, 142
Schmitt, Carl, 17, 125–126
Schwarzenberger, Georg, 3
Schwebel, Stephen, 273, 279, 284
Scott Fox, David, 80, 90, 147, 152, 156, 157, 179, 186
Scott, E.J.F., 255
Scott, James Brown, 4, 6, 9–10, 11
Sebald, William, 249, 254–255
security, 47, 76, 176
before disarmament, 16–17
Seidl, Alfred, 146–147, 148
self-defence, see also Caroline case against nuclear attack, 271–272
and League Covenant, 15
Soviet approach to, 34–35, 271
UN Charter Article 51, 271
self-determination aggression, 272–276
UN General Assembly Resolution 3314, 282–286
Semyonov, Grigory, 228
against universal application of crimes against peace, 140
closing statement at Nuremberg IMT, 127–129
opening address at Nuremberg IMT, 121–123
Shigemitsu Mamoru, 210
Shklar, Judith, 106, 209, 253
Shotwell, James, 26
Shôwa, Emperor/Hirohito, 191–192, 255, 258
Siemers, Walter, 153–154, 157
Simma, Bruno, 189–190
Simon, Sir John, 78
Singapore, 218, 239
Sixth Pan-American Conference (1928) declaration, 133
use in Nuremberg trials, 117, 167
Smith, Bradley F., 50, 106, 150, 161, 164–165
Smith, David, 199, 213
Smith, H.A., 40
Somervell, Donald, 76–77
sovereignty, 292–293
see also heads of state
Soviet-Japanese Neutrality Pact, 222, 223, 229
Soviet Union, see Union of Soviet Socialist Republics
Stahmer, Otto, 123–124
Stalin, Joseph, 34, 52–53, 142–143, 231
preference for trials, 47–48
role in the negotiations of Molotov–Ribbentrop Pact, 147
status quo
colonialism and, 236–238, 272–275
Covenant of the League of Nations, 12–13
interwar preservation of, 12–13, 26
postwar preservation of, ix, x, 107, 118–119, 207–209, 261, 266, 285
Stavropoulos, Constantine, 64
Steel, Henry, 281–282
Stimson, Henry L., 33, 41, 65, 66, 67, 69, 72–73, 74, 107, 110, 170
Stone, Julius, 135, 136, 137, 278, 285
Stone, Sir Gilbert, 181
Stratforce plan, 151–152
Streicher, Julius, 113
Swinderen, Jonkheer R. de Marees van, 11
Takayanagi Kenzo, 208, 210, 211–212
Taylor, Telford, x, 71, 74, 84–85, 95, 100, 115–116, 222
Tewfik Rushdi Bey, 39
Tōjō, Hideki, 186
Tokyo Charter and Potsdam Declaration, 210
Art. 5, 196, 221
Art. 5(a), 184–185, 196
Art. 6, 192
contested by some IMT judges, 234–238
drafting, 182–185
Trainin, Aron Naumovich, 48–52, 55–58, 63, 70, 102, 107, 109–110, 132
Treaty of Mutual Assistance (draft), 16, 17–19, 45, 133, 167
Treaty of Mutual Guarantee (draft), 16
Treaty of Versailles (Treaty of Peace Between the Allied and Associated Powers and Germany)
Art. 42–44, 21
Art. 227, 8, 9–10, 167
Art. 227–231, 8
Art. 228, 167–168
Art. 231, 8–9
Troutbeck, John, 81–82, 120–121
Truman, Harry, 79, 173, 176, 217, 229
Tucker, Robert W., 15, 271
Union of Soviet Socialist Republics,
see also Molotov–Ribbentrop Pact; Trainin, Aron Naumovich
and common front with other Allies to avoid counter-charges, 150
concerns over definition of aggression, 35–36
desired exclusions from courtroom discussion, 142–143
motives for framing the crimes against peace charge, 57–58
peaceful coexistence, 34, 274
tensions with US, 143–144, 148, 227
United Kingdom
desired exclusions from courtroom discussion, 149
Egyptian arguments of aggression and Suez, 270
Iranian arguments of aggression over Anglo-Iranian oil, 270
opposition to International Military Tribunal, 75–82
plans to invade Norway, 150–151
self-defence exceptions, 29–31
United Nations, see also United Nations Charter
attempts to provide jurisdictional footing for crimes against peace, xi

General Assembly Resolution 95 (I), 173
General Assembly Resolution 177 (II), 175
General Assembly Resolution 377 (V), 264
General Assembly Resolution 378 (V), 265
General Assembly Resolution 488 (V), 262
General Assembly Resolution 599 (VI), 266
General Assembly Resolution 688 (VII), 266
General Assembly Resolution 895 (IX), 266
General Assembly Resolution 897 (IX), 262
General Assembly Resolution 1181 (XII), 266
General Assembly Resolution 1514 (XV), 272
General Assembly Resolution 2330 (XXII), 266
General Assembly Resolution 2625 (XXV), 277
General Assembly Resolution 3314 (XXIX), 277, 278–279
Art. 1, 278
Art. 2, 279, 281
Art. 3, 278, 280, 282, 283
Art. 5, 280
Art. 5(2), 280, 281
Art. 7, 282–283, 284
United Nations Charter, 100, 268, 271, 292
Art. 1, 283
Art. 2(4), 272–273, 276, 283, 292–293
Art. 39, 99–100
Art. 51, 271
United Nations War Crimes Commission (UNWCC), 47, 58–64
United States policy on the trial and punishment of the German leaders, 64–67
‘qualified neutrality’ in WWII, 40–45
supplying evidence against USSR, 225–227, 230–231
tensions with USSR, 143–144, 148, 227
unjust peace, 7, 237
unjust war, see just war
Vandenbergh, Arthur, 201
Vasiliev, Alexandre, 225–226, 227, 229, 252, 232
Vignol, René, 39
Villon, François, 32
INDEX

Vishinsky/Vyshinsky, Andrei Y., 34, 48, 55, 56, 107, 142–143, 264–265, 266–267
Vredenburgh, Jonkheer van, 241

Waldock, C.H.M., 14, 25
Walzer, Michael, 171
war, definition of, 162
Wardrop, James, 79–80
Webster, Daniel, 214–215
Wechsler, Herbert, 160–161, 172
Wehberg, Hans, 12, 73
Weizsäcker, Ernst von, 147, 148, 222
White Book series, 153–157
Wickersham, George W., 32
Wilhelm II of Hohenzollern lived out life in Netherlands, 11, 138
proposal to prosecute for starting WWI, ix, 1, 4

Treaty of Versailles Article 227, 8, 9–10, 167
Willis, J.F., 10
Wilson, Woodrow, 7–8, 10
Woetzel, Robert, 252–253
Woodward, Llewellyn, 120, 138, 153, 154, 155
Wörmann, Ernst, 222
Wright, Quincy, 23, 73, 107, 109, 131–132, 140–141, 160–161, 163, 168
Wynes, W.A., 254
Wyzanski, Charles, 136

Yalta Conference (February 1945), 231–232
joint communiqué, 77–78
Zaleski, August, 53
Zaryanov, Ivan, 244, 249
Zinoviev, Grigory, 48