

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

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
 Anglo-Egyptian Treaty (1936), 270
 anticipatory self-defence, 162–163,
 214–215
 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

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

INDEX 307

- Bastid, Paul, 39
 Beaumont, R.A., 153, 157–158, 159
 Beckett, Eric, 155, 174, 185
 Beneš, Edvard, 53
 Bennett, William 'Tap', 281
 Bernard, Henri, 235, 247–249, 251–252
 Bernays, Murray, 67–70, 105, 107, 108, 109, 116
 Best, Geoffrey, 287
 Bevin, Ernest, 158, 180, 181–182
 Bial, Louis, 168–169
 Bidault, Georges, 65, 92–93
 Biddle, Francis, 161, 162, 173
 Birkett, Norman, 160–161, 162–163, 164, 165, 171–172
 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, 254
 Borchard, Edwin M., 30, 41, 42, 73, 93, 109, 137
 Brannon, John, 195, 196, 197
 Briand, Aristide, 20, 23, 213,
 see also Kellogg–Briand Pact
 Brière, 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
 Bulanov, 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
Caroline case (anticipatory self-defence), 162–163, 214–215, 218–219
 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
 Churchill, Winston, 2, 11, 47–48, 52, 65, 77, 105, 176
 iron curtain speech, 143
 proposed shooting without trial, 77
 setting up of UNWCC, 58
 Clark, Tom, 181
 Claude, Inis, 285
 Claudel, 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
 Comyns Carr, Arthur, 183, 187–188, 190–191, 192, 193, 194, 196, 198–199, 200, 222–223
 conspiracy, *see* 'common plan or conspiracy'
 Constantinople trials (under Treaty of Sèvres), 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

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

308 INDEX

- 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, 230–231
 Declaration on the Granting of Independence to Colonial Countries and Peoples, 272
 Article 1, 272
 Denning, 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
 Ečer, 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
 Ehard, 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, 270–271
 Flanner, Janet, 143, 144–145
 Flick, Friedrich, 17
 Flournoy, 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
 Freeman, 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
 Gascoigne, Alvary, 217, 223–224, 239, 240, 242–243, 251

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

INDEX 309

- 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
 Goa, Indian invasion of, 272–276
 Göring, Hermann, 113
 Golunsky, Sergei Alexandrovitch, 202, 222, 223–224, 227
 Goodhart, A.L., 289
 Gorman, Robert O., 71
 Griffith-Jones, Mervyn, 127
 Gros, André, 64, 90–92, 99, 106, 107–108, 129, 251
 Gross, Leo, 137

 Hadji-Mischief, 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
 Hirota 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

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

310 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, 114–115
 - 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
 - limits on, 85–87, 89–98, 101–106, 107–110
- Molotov–Ribbentrop Pact, 142–149, 162–165

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

INDEX 311

- 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
- Jackson, Robert, 11, 34, 42, 43–45, 79, 84–86, 87, 88, 90, 91, 92–93, 94, 95–96, 98–99, 100, 101, 102–103, 105, 107–110, 112, 119, 137, 138, 143, 165, 170, 174, 175, 176–177, 287
- 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
- Keenan, Joseph, 179, 180, 181, 186–188, 191–192, 196, 200–201, 204, 205, 206, 207, 209, 229, 253
- 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
- Kellogg–Briand Pact (General Treaty for Renunciation of War as an Instrument of National Policy, Paris, 1928), 23–28, 44, 50, 133, 219
- application to German leaders, 71–72, 73, 74
 - Article I, 25
 - Article II, 25, 26
 - as nullified by repeated violations, 125–126, 128–129
 - concept of self-defence, 25, 28–31, 213–215
 - 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 Kōichi, 218
- Killick, John, 243
- King, Wunsz, 64
- Kirchheimer, Otto, 270
- Kirk, Alexander, 225
- Kiyose Ichirō, 201
- Kochavi, Arie, 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

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

312 INDEX

- Lauterpacht, Hersch, 10, 26, 31–32, 42–43, 50, 60, 62–63, 109, 116, 121, 127, 131–132, 137, 168, 213, 258
- 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
- MacArthur, Douglas, 176, 177, 184, 191, 197, 240–242, 254–255
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
- Maxwell Fyfe, David, 76–77, 87–88, 93, 99, 101–102, 105, 106, 115, 141, 142, 144–145, 149, 152–153, 156–157, 158
- McCloy, John J., 78, 85, 177
- McDougall, 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 IMT, 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

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

INDEX 313

- Nelte, Otto, 152–153
 neutrality, Covenant of the League of Nations, 16
 Newton, Sir Basil, 152, 155, 171
 Nikitchenko, Iona Timofeevich, 95–96, 99, 100, 102, 106, 162, 170
 Nimitz, Chester, 178
 No Peace Without Justice, 288
 non-recognition of territorial gains, 32–33, 280
 Norman, Herbert, 220–221
 Normand, Wilfrid, 181, 182, 234, 235, 236, 238
 Northcroft, Erima Harvey, 204, 235, 236, 238, 243, 244, 245, 246
 Norway, Allied invasion plans for, 150–160
 Nuremberg Charter, x, *see also* International Military Tribunal (Nuremberg, IMT); London Conference
 Article 1, x, 103
 Article 3, x
 Article 6, x, 86, 87, 102–103, 104 (a), 104
 Article 7, 87, 122, 167, 192
 Article 18, x, 96, 144
 as development not innovation, 122
 as expression of existing international law, 166
 as new law, 114, 118
 essence, 168
 Nürnberg Principles, ix, 172–175, 261–263
 occupying powers, rights of, 59–60
 Ōkawa Shūmei, 205, 255
 Olds, Robert, 31
 O'Leary, Sir Humphrey, 235, 236, 238, 243, 244
 Oneto, Robert, 217, 244, 248
 Oppenheim, Lassa, 26, 73, 213
 Orlando, Vittorio E., 2, 7–8
 Ōshima Hiroshi, 204–205, 215, 232
 Osiel, Mark, 192
 outlawry of war, 12, 23
 Overy, Richard, 70
 Pact of Paris, *see* Kellogg–Briand Pact
 Pal, Radhabinod, 234, 235, 236–238, 242, 246, 248–249, 250–251, 260–261, 286
 Papen, Franz von, 169–170
 Paris Peace Conference, entente objectives, 3, 18, 20
 Parker, John, 162, 164
 Pashukanis, Evgeny, 48
 Passant, James, 121, 154
 Patrick, William, 180, 181–182, 234, 235, 236, 238, 240–241, 242–243, 244, 245, 246
 Paulson, Stanley, 124
 peaceful coexistence, 34, 274
 Pearl Harbor, 177–178, 179, 185, 197, 198, 218, 223, 232
 Pechkoff, Zinovy, 255–256
 Pell, Herbert, 71
 Phleger, Herman, 263, 265
 Pink, Sir Ivor, 113
 Pokrowsky, Y.V., 141
 Politis, Nicolas, 3, 21–22, 39
 Pollock, Sir Ernest, 1, 3, 4–5
 Pompe, Cornelis, 61–62, 110–111, 130, 131, 167
 positive law, 4–5, 73–74, 122, 124, 136, 167, 205–207, 209, 236–238, 253, 276
 Potsdam Conference (July 1945), 231
 Potsdam Declaration (26 July 1945), 176, 184, 210–211
 Pound, Roscoe, ix
 preambles, as not a binding part of a treaty, 27
 priority principle, 277, 278–279, *see also* first strike
 Pritchard, John, 188
 Quentin-Baxter, Quentin, 271, 272
 questioning, war as response to, 30–31
 Quilliam, Ronald, 188, 189, 202, 221, 223
 Radin, Max, 137, 258
 Raeder, Erich, 150
 Redslob, Robert, 39
 Reed, Maurice, 202, 203, 243
 Renouvin, Pierre, 106
 retroactivity
 adding punishment to a designated crime, 122–123
 and individual responsibility, 137–139
 IMT, Nuremberg, 115–118, 169
 London Conference (26 June to 2 August 1945), 89–94
 national prohibitions on *ex post facto* law, 135–136
 Nazi amendment to the German Criminal Code, 135
 of trying the ex-Kaiser for actions not designated crimes when carried out, 6
 post-war debate, 137
 prohibition as ethical principle, 136
 Retslaw, Reinhardt, 53–54
 Rheinsteine, Max, 134–135

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

314 INDEX

- Ribbentrop, Joachim von, 113, 145, 147, 150
 Ribes, Auguste Champetier de, 106
 Ritz, Hans, 53–54
 Röchling, Hermann, 222
 Rodzaevsky, Konstantin, 228
 Röling, Bernard, 177, 178–179, 200, 218, 234–235, 248–249, 253–254, 260, 262, 271, 286
 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, 158, 239, 240, 241
 Sato Kenryo, 195
 Sawada Setsuzo, 31
 Scali, John, 279, 281–282
 Scelle, 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
 expanding concept of, 25, 28–31, 215–221, 251, 271, 272–273
 Kellogg–Briand Pact, 25, 28–31, 124, 128–129, 213–215
 and League Covenant, 15
 Soviet approach to, 34–35, 271
 UN Charter Article 51, 271
 self-determination
 aggression and, 272–276
 UN General Assembly Resolution 3314, 282–286
 Semyonov, Grigory, 228
 Shawcross, Hartley, 28, 115, 116, 120, 151, 152, 154–156, 174, 179, 181–182, 191, 202, 203, 240, 243
 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
 Shōwa, 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
 absolute, 85, 124, 137
 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

Cambridge University Press

978-1-107-02884-5 - 'Crimes against Peace' and International Law

Kirsten Sellars

Index

[More information](#)

INDEX 315

- 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
Article 5, 196, 221
Article 5(a), 184–185, 196
Article 6, 192
contested by some IMFTE 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)
Articles 42–44, 21
Article 227, 8, 9–10, 167
Articles 227–231, 8
Article 228, 167–168
Article 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
Article 1, 278
Article 2, 279, 281
Article 3, 278, 280, 282, 283
Article 5, 280
Article 5(2), 280, 281
Article 7, 282–283, 284
- United Nations Charter, 100, 268, 271,
292
Article 1, 283
Article 2(4), 272–273, 276, 283, 292–293
Article 39, 99–100
Article 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
- Vandenberg, Arthur, 201
- Vasiliev, Alexandre, 225–226, 227, 229,
230, 232
- Vignol, René, 39
- Villon, François, 32

316 INDEX

- Vishinsky/Vyshinsky, Andrei Y., 34, 48, 55, 56, 107, 142–143, 264–265, 266–267
- Vredenburg, Jonkheer van, 241
- Waldock, C.H.M., 14, 25
- Walzer, Michael, 171
- war, definition of, 162
- Wardrop, James, 79–80
- Webb, William, 28, 214, 216, 217–218, 219–220, 224, 229, 234, 235–236, 238, 244, 245, 246, 248–249, 254–255
- 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, Lord Robert, 63–64, 165–169, 235–236, 239–241
- 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