

Summary

Legal Aspects of International Punishment for Committing War Crimes after 1945

The Second World War was a global military conflict which involved majority of the world's nations and which became with more than 60 million victims the largest, deadliest and most devastating conflict in human history. The causes of the war were constituted by the consequences of the Treaty of Versailles, which enhanced the feeling of humiliation in defeated countries, especially in Germany, and economic crisis in the late twenties and thirties, commonly known as the Great Depression, which fundamentally undermined a large number of countries, thereby allowing the rise of the Nazis, led by Adolf Hitler, and other totalitarian regimes throughout Europe.

The Second World War has been accompanied with unprecedented level of crimes against humanity, war crimes and inhumane treatment of prisoners of war. Unlike all previous conflicts the course of the fighting much more affected civilian population and led to huge rate of casualties. Victims among civilians account for two thirds of the estimated 60 million victims. Many civilians died because of disease, starvation, massacres, bombing and deliberate genocidal actions and other war crimes committed by German as well as Japanese forces on the Axis-occupied territories. The most notorious of German atrocities was the Holocaust, the systematic genocide of Jews in territories controlled by Germany and its allies, encouraged by the radical racial Nazi ideology, which created the concept of Final Solution of the Jewish Question and which eventually led to death of approximately six million European Jews. Other groups were also persecuted and killed by the Nazis, including ethnic Poles, the Romani, Soviet civilians, Soviet prisoners of war, the disabled, homosexual men and political and religious opponents. The total number of victims of Nazi genocidal policies, including millions of tortured and murdered in concentration camps, Gestapo prisons and victims of the extermination actions in occupied Europe, is generally agreed to be between 9 and 11 million. The unprecedented amount of victims among civilians was the very thing that has led the global politician leaders to the consensus upon fair punishment of

these crimes and at the same time creation of guarantees to prevent future recurrence of such horrors. On the basis of international agreements, an international military tribunal has been established with its seats in the city of Nuremberg. The Nuremberg Trials were a series of trials, or tribunals, most notable for the prosecution of prominent members of the political, military, and economic leadership of Nazi Germany. The first and best known of these trials was the Trial of the Major War Criminals, which was held from 20th November 1945 to 1st October 1946. The Nuremberg trials had a great influence on development and codification of international criminal law and initiated the proposals for a permanent international criminal court. The conclusions of the Nuremberg trials served to help draft The Universal Declaration of Human Rights (1948), The Genocide Convention (1948), The Geneva Convention on the Laws and Customs of War (1949), The Convention on the Abolition of the Statute of Limitations on War Crimes and Crimes against Humanity (1968). The issue of punishing war crimes committed by citizens and on the territory of particular European states, was resolved by so-called „vindicatory justice“ which constituted special time-limited people's courts. In Czechoslovakia, the question was addressed by Presidential Decrees.

The challenge to prosecute and punish Nazi war criminals, however, is not yet done, because in the confused post-war situation some of them managed to flee and therefore to avoid justice. Many of them found asylum in South America, the United States or Germany and a helping hand of illegal organizations within its borders.

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