



# United Nations

## GENERAL ASSEMBLY

RESTRICTED

A/CN.4/W.12  
31 May 1949

ORIGINAL: ENGLISH

MASTER FILE

### INTERNATIONAL LAW COMMISSION

First session

### FORMULATION OF THE PRINCIPLES OF INTERNATIONAL LAW RECOGNIZED IN THE CHARTER OF THE NURNBERG TRIBUNAL AND IN THE JUDGMENT OF THE TRIBUNAL

#### Texts recommended by the Sub-Committee

1. Any person who commits or is an accomplice in the commission of an act which constitutes a crime under international law is responsible therefor and liable to punishment.
2. Such person is responsible under international law whether or not his act is punishable under any domestic law.
3. The official position of a person as Head of State or responsible official does not free him from responsibility (or mitigate punishment).
4. The fact that a person acts pursuant to order of his Government or of a superior does not free him from responsibility. It may, however, be considered in mitigation of punishment, if justice so requires.
5. The following acts constitute crimes under international law:
  - (a) Crimes against peace: namely
    - (i) planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances;
    - (ii) participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).
  - (b) War crimes: namely violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity.
  - (c) Crimes against humanity: namely murder, extermination, enslavement, deportation and other inhumane acts done against a civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such

/persecutions

with any crime against peace or any war crime.

6. Any person accused of a crime under international law has the right of defense.

LOAN DESK

This book is due on the date indicated below.

[illegible]

UN/L/12  
15 Nov. 1948