

Joachim von Ribbentrop – Guilty

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00403839/00392163

International Law – PSCI 236

Professor Morrison

April 28, 2010

Prosecution Brief

2472/2500

I have neither given nor received unauthorized aid on this assignment. – Nadia Schreiber
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Joachim von Ribbentrop was one of the top officials in the Nazi Party during the Holocaust. His early career involved time fighting in the German Army during World War 1, and then working as a salesman in Berlin. In 1932, Ribbentrop joined the National Socialist German Worker's Party (NSDAP), and in 1933 Ribbentrop became Hitler's foreign affairs advisor. Ribbentrop was crucial in Hitler's becoming the Chancellor in Germany (one of the factors that enabled Hitler to become the leader he ultimately did). Ribbentrop was disliked by many of the older members of the Party who felt that he had moved up the ranks too quickly. Because of this dislike, Ribbentrop was determined to win the affection and admiration of Hitler, and would do anything to accomplish this goal.¹ Part of his compensation involved becoming a fanatical Nazi, to the point where other members of the party thought of him as more radical than Hitler himself.² We will prove to you that Joachim von Ribbentrop is guilty on all four counts of the indictment: involvement in a common plan or conspiracy to commit crimes of war, crimes against peace, war crimes, and crimes against humanity. One of Ribbentrop's main grounds of defense is that, throughout the war, he was acting under duress. We will therefore also prove that he was not under duress, and that even if he was, his actions were so unconscionable that duress cannot be a legitimate defense.

In order to understand Ribbentrop's role in the crimes for which he has been indicted, it is helpful to divide his career into three different time periods. The first is before the war when he helped Hitler and the Nazi party rise to power. The second is during the early years of Nazi rule when he helped plan and prepare for the upcoming war. The third is during the war when he

¹ "Joachim von Ribbentrop: Nazi Germany," Spartacus Educational - Home Page, Summary, <http://www.spartacus.schoolnet.co.uk/GERribbentrop.htm> (accessed April 25, 2010).

² "Joachim von Ribbentrop," Jewish Virtual Library - Homepage, Positions Held by Ribbentrop, <http://www.jewishvirtuallibrary.org/jsourc/Holocaust/Ribbentrop.html> (accessed April 25, 2010).

directed, authorized and participated in various crimes against humanity and crimes of war. We will now detail these different time periods.

The first period of Ribbentrop's career with the Nazi party was characterized by his promotion of different people and different actions for the new Nazi regime. The original meetings that planned the entry of the Nazis into power on January 30, 1933, between representatives of the President of the Reich and leading Nazi officials were held in Ribbentrop's house. It is obvious that he was intimately involved in the planning of the Nazi regime, and, with his later appointment to the position of Foreign Minister, he became a crucial person on the frontlines of the Nazi party by reaching out to other nations. Ribbentrop also was appointed to the Secret Cabinet Council, which we now know is where the majority of the planning for the war took place.³ His actions in this phase of his career show that he believed vehemently in the Nazi party. He became a party member voluntarily, and all of his actions were motivated by a belief in the ideals of the party and the goals of its leader. It was during this period of his career that he committed acts making him guilty of the first count of the indictment: conspiracy and planning. During this period he also committed acts which constitute the second count of the indictment: crimes against peace, including violating treaties and agreements.⁴

The second period of his career was filled with international political negotiation to find allies for the German Reich. The Anschluss (annexation of Austria) was the first major diplomatic venture of Ribbentrop's career as Foreign Minister. Ribbentrop was one of the only Nazi officials present with Hitler at the meetings with the Austrian Chancellor where the

³ "Nuremberg Trial Proceedings Vol. 4 - Twenty-Ninth Day," Avalon Project - Documents in Law, History and Diplomacy, <http://avalon.law.yale.edu/imt/01-08-46.asp#ribbentrop> (accessed April 25, 2010).

⁴ "Nuremberg Trial Proceedings Vol. 1 - Indictment," Avalon Project - Documents in Law, History and Diplomacy, <http://avalon.law.yale.edu/imt/count.asp> (accessed April 25, 2010).

annexation was planned. Ribbentrop's signature was the first one on the law making Austria a province of Germany, but he was not present at the ceremony for the Anschluss. He was in London on another diplomatic mission and his preemptive signature therefore shows that the Anschluss was inevitable. Similar stories exist for all of the other countries that were allied with Germany before the official beginning of the war. Ribbentrop can be tied directly to every annexation that Germany made. Hitler believed that he and Ribbentrop shared the same vision for the war, and so the Foreign Minister could be trusted to make the right decisions. This second part of his career also furthered Ribbentrop's conspiracy of war and crimes against peace. He continued working with other countries to find allies and conspiring within Germany. During this time, he also contributed to Germany's violation of international treaties such as the Treaty of Versailles.

Ribbentrop's planning regarding the accumulation of international allies was perfect. By the time his career reached the third stage – during the war – Ribbentrop could focus entirely on actions within Germany. His involvement in the war itself can be broken into three different categories: the killing of Allied aviators, the destruction of the peoples of Europe, and the persecution of the Jews. Ribbentrop was responsible for the German policy toward Allied pilots. He felt that all pilots were responsible for some form of destruction, and that any Allied pilot seen attacking a German city should be killed, the same way that an Allied soldier who shot innocent civilians would be. This policy speaks to Ribbentrop's pure and simple desire to kill, regardless of whether someone was guilty of a crime or not.

Ribbentrop's role in the destruction of the European people is directly tied to his role as Foreign Minister. Most countries throughout Europe were under some form of German control, and Ribbentrop installed Reich Protectors to help carry out the desires of the Nazi officials. He

instructed one such Reich Protector to stage an uprising in Ukraine “so that all farms and dwellings of the Poles should go up in flames,” as we heard in the testimony of Erwin Lahousen, a key member of the German resistance.⁵ Ribbentrop firmly believed in the Nazi ideology of creating a pure Aryan race, and he was willing to do whatever was necessary to achieve that goal.

Ribbentrop was one of the most vocal anti-Semites of the Nazi party, and showed no reservations in sharing his views with whomever would listen. In a conversation with Georges Bonnet, the Foreign Minister of France, Ribbentrop said, “The Jews in Germany were without exception pickpockets, murderers and thieves...The German government had therefore decided to assimilate them with the criminal elements of the population. The German government could not help it if some of these criminals escaped to other countries which seemed so anxious to have them. It was not, however, willing for them to take the property, which had resulted from their illegal operations with them.”⁶ This describes not only what Ribbentrop thought of the Jews, but it also explains how the Jews of Europe were to be treated. One could not be a Nazi official without knowing what was happening in the Camps, and Ribbentrop clearly thought that the Jews were deserving of such treatment.

These three different parts of his participation in the War show that he is guilty of crimes against humanity, and war crimes (counts three and four of the original indictment). He instructed people in crimes of war including mistreatment of prisoners of war, as well as harming innocent civilians. He spread anti-Semitic sentiments throughout the Reich, and used those

⁵ "Nuremberg Trial Proceedings Vol. 2 - Ninth Day," Avalon Project - Documents in Law, History and Diplomacy, Testimony of Erwin Lahousen, <http://avalon.law.yale.edu/imt/11-30-45.asp> (accessed April 26, 2010).

⁶ "Nuremberg Trial Proceedings Vol. 5 - Thirtieth Day," Avalon Project - Documents in Law, History and Diplomacy, <http://avalon.law.yale.edu/imt/01-09-46.asp#frank> (accessed April 25, 2010).

sentiments to justify the actions of the Nazi regime against the Jewish people, and other persecuted minorities.

We have detailed for you Ribbentrop's actions before and during World War Two. We have shown you that he was directly involved in the planning and execution of the Second World War, and the destruction that it caused. But now we must address his defense in terms of its larger legal context. Recent events in Rwanda, for example, have brought to the attention of the international community humanitarian crimes that share many similarities with those committed by the defendant. In December of 2005, Aloys Simba, a lieutenant colonel in the Rwandan armed forces, was found guilty by The International Criminal Tribunal for Rwanda (ICTR) on counts of genocide and crimes against humanity.

Several aspects of the verdict have relevant implications for Ribbentrop. Simba was found guilty of genocide under Article 6 (1) of the Statute of the tribunal, which stated that any person that "planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime."⁷ The fact that the crimes were not directly carried out by Simba but by his subordinates, does not diminish any responsibility he had in perpetrating genocide. In light of this ruling, the notion that Ribbentrop is merely a link in the chain following orders from his superiors is not a valid defense, and he should be found guilty under count one for participation in a common plan or conspiracy. A crime against humanity according to article three of the ICTR statute must demonstrate that it is "committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic,

⁷ International Criminal Tribunal for Rwanda, "Statute of the Tribunal," <http://www.un.org> <<http://www.un.org/ictt/statute.html>>

racial, or religious grounds.”⁸ By comparison, Ribbentrop contributed to a considerably more widespread and systematic extermination than did Simba. Simba acted in the name of an Interahamwe political party that was smaller and more fragmented than the Nazi party and contributed to an extermination that took place on a much smaller scale. The conviction of Simba of crimes against humanity should therefore provide a strong argument for Ribbentrop to be found guilty under count 4 for crimes against humanity.

The acts of genocide committed in the former Yugoslavia during approximately this same period provide us with further guidance to treat Ribbentrop’s case. In October of 1997, the International Criminal Tribunal for the Former Yugoslavia (ICTY) accepted Drazen Erdemovic’s guilty plea for murder as a crime against humanity, and sentenced him to ten years imprisonment, which was later reduced after appeal. The ICTY decided that “there exists in international law a standard according to which a crime against humanity is one of extreme gravity demanding the most severe penalties.”⁹ Erdemovic’s personal involvement extended to the extermination of what he estimated to be about 1,200 Bosnian Muslims. Significant as this massacre may have been, the genocide in which Ribbentrop was implicit qualifies substantially more as a crime of “extreme gravity.” Erdemovic’s guilty verdict of murder as a crime against humanity under article five of the ICTY statute therefore provides further justification to find Ribbentrop guilty of count four.

The case of Drazen Erdemovic is particularly relevant to the case at hand for its direct treatment of the issue of duress. It is clear that Erdemovic faced a situation of duress that was significantly more pressing and forceful than any that confronted Ribbentrop. Erdemovic was

⁸ Ibid.

⁹ Valerie Epps, International Law, 4th ed (Durham, North Carolina: Carolina Academic Press, 2009), 429.

ordered to carry out his executions under a direct threat to his life and claims to have seen a fellow soldier killed by a superior officer for refusing to participate. Furthermore, he was only informed of his order when he arrived on-site, affording him little time to contemplate the decision he faced. These circumstances served as the basis for his appeal on the grounds that “the offences were committed under duress and without the possibility of another moral choice.”¹⁰

The initial ruling of the ICTY, however, was a rejection of his appeal regardless of the circumstantial duress on the grounds that “duress does not afford a complete defence to a soldier charged with a crime against humanity and/or a war crime involving the killing of innocent human beings.”¹¹ It was only after a re-plea before a trial chamber that his sentence was reduced to five years.¹² The ICTY thus found to be insufficient a situation of duress that involved both extreme pressure and what the court itself defined as “imminent threats to the life of the accused if he refuses to commit a crime.”¹³ There would have been political and social consequences for Ribbentrop had he rejected Hitler’s agenda but these are not nearly as constraining or compelling as the life-threatening nature of Erdemovic’s duress, which was still considered insufficient by the ICTY.

Perhaps the most important implication of the Erdemovic case comes from the reasoning behind the court’s ruling. The ICTY recognized both the significance of the crime being discussed and the influence the ruling would have on future cases. With this fact in mind the court was “concerned that, in relation to the most heinous crimes known to humankind, the

¹⁰ International Criminal Tribunal for the Former Yugoslavia. “Statute of the Tribunal” <http://www.icty.org>. <<http://www.icty.org/sid/135>>

¹¹ Epps, 431.

¹² International Criminal Tribunal for the Former Yugoslavia. “Statute of the Tribunal” <http://www.icty.org>. <<http://www.icty.org/sid/135>>

¹³ Epps, 432.

principles of law to which we give credence have the appropriate normative effect upon soldiers bearing weapons of destruction.”¹⁴ Joachim Ribbentrop contributed to one of the most ruthless and devastating series of war crimes in human history and it is critical that the court bear in mind what consequences the ruling will have on future cases. The Nuremberg trials were an entirely unprecedented phenomenon that created an ad hoc international court where no such court had existed before, and charged criminals for crimes of a nature the world had never seen. This novelty no longer exists and it is crucial that the court builds on convictions like those against Simba and Erdemovic to reinforce a strong precedent against such atrocities.

Associate Justice Antonin Scalia refers to this notion as “predictability”. He asserts that “rudimentary justice requires that those subject to the law must have the means of knowing what it prescribes.”¹⁵ In 2009, Pfizer, an American pharmaceutical company, was sued for non-consensual medical experimentation in the form of testing their “Provan” drug on Nigerian children during a bacterial meningitis outbreak in 1996. While the second circuit court eventually found Pfizer guilty, the district court originally dismissed the charge on lack of jurisdiction under the Alien Tort Statute.¹⁶ Pfizer deliberately engaged in non-consensual medical experimentation, an act that is illegal in the United States and morally reprehensible because the company knew there was no legal precedent to find such action illegal when committed abroad. Such reasoning cannot take place amongst those who are capable of the crimes committed by Joachim Ribbentrop and his sentence must therefore send a firm message of predictability regarding humanitarian crimes.

¹⁴ Epps, 434.

¹⁵ Antonin Scalia, “The Rule of Law as a Law of Rules,” The University of Chicago Law Review, vol. 56 (1989), 1179.

¹⁶ Epps, 12.

We have proven that Joachim von Ribbentrop is guilty on all four counts of the indictment. We have also proven that Ribbentrop was a faithful servant to the Nazi Party and his actions were committed, not out of duress, but from his personal conviction and loyalty to the Nazi agenda. Rulings from recent cases against Aloys Simba and Drazen Erdemovic, have shown a willingness of the courts to find individuals guilty of the crimes Ribbentrop has been accused of for actions less severe than his. With these facts in mind, we propose that the defendant be found guilty of all four counts as prescribed by the International Military Tribunal and sentenced to death.

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