

Sample Cases

a. Case description

(without witness testimony)

“Forced Labour in World War II”

The Prosecutor vs. Albert Speer

Background

World War II (WWII) – 1939-1945 - was planned by Germany as an extensive and rapid war to take over as many territories in Europe as possible. For waging such a comprehensive and rapid war, Germany needed a lot of resources – in the form of natural resources (e.g. oil), equipment, foodstuff and especially workforce. With many of German men having been recruited for the army and Germany’s reluctance to make use of its female work force, the solution the government found was to use prisoners of war, concentration camp inmates and foreigners as work force, which they recruited and employed by force from the occupied territories both in the East and the West. Without this cheap or often free work force, Germany could have probably

not continued the war after 1942, with maintaining the same high life standards within Germany at the same time.

Since 1936, Hitler had been talking about the preparation of the German industry for an economy

of war. By 1940 though, the industry had still not taken specific steps towards such a preparation

and central economic planning by the government was not extensive, also because of major industries’ reluctance to support central economic planning. The situation changed somewhat

with the appointment of Fritz Todt as German Minister of Armament and Munitions in March 1940. His purpose was to integrate the German industry more extensively in the war economy, especially in the production of armament. Todt was followed in office by Albert Speer, who restructured and rationalized the ministry and made the armament and war production

of Germany more efficient than ever.

The efficiency of industrial production with regard to military needs was to be assured by a Steering Committee composed of military and industry representatives under the control of Todt and later Speer.

The recruitment of forced labour was instrumental for the war economy. It intensified after 1942 under the supervision of Fritz Sauckel, charged with labour assignments within the Board of the Steering Committee.

At its peak, forced labour made up 20% of employment in WWII Germany, distributed mainly in armament industries and agriculture. Forced labour was used in Germany, as well as in the occupied territories – especially in Eastern Europe and it benefited both the government agencies and the industries where they were employed. However, workers were allocated in the specific industries through the governmental labour offices, and regulations as to labour allocation were strict: if a plant needed work force, its manager filed a notification to the governmental authorities and the needed workers were sent. Strict regulations prescribed almost every aspect of the relationship between employers

and employees. Industries were prohibited from employing or discharging labourers without the approval of the government. Heavy penalties, including commitment to concentration camps and even death, were set forth for disregard of these regulations.

Albert Speer and the Ministry for Armament and Munitions

Albert Speer started his career in the Nazi Regime as Reich architect and became very close to Hitler, who admired his grandiose building designs and the commitment with which he brought even difficult building assignments to an end. After Fritz Todt, the former minister, unexpectedly died in a plane crash, Hitler appointed

Albert Speer as Reich Minister of Armament and Munitions in February 1942. At the same time, Speer becomes Director of the Organization Todt (OT), an organization bearing the name of his founder who set it up in 1938 as a voluntary organization for construction work. In 1940, the OT was incorporated in the Ministry for Armament and Munitions. As its leader, Speer greatly improved the ministry under his command, reducing the bureaucracy and doubling war production. It is assumed that he played a great role in enabling Germany to resist and wage war until 1945 through his efficient armament production policies. He attained this efficiency also due to the use of foreign labour and labour of prisoners of war in the armament industry.

Indictment

The accused Albert Speer is charged with “abuse and exploitation of human beings for forced labor in the conduct of aggressive war” as a crime against humanity as defined by article

7(1)(c) of the Rome Statute. The acts and conduct of the accused were alleged to have been committed unlawfully, wilfully and knowingly and to constitute violations of international conventions, particularly of article 7(1)(c) of the Rome Statute.

b. Sample position paper Prosecution

It shall please the court that the prosecution has come before the honorable judges with very purpose finding justice, we seek to try the accused and punish him for his actions. It has come to the prosecution's attention that the accused has breached the Rome Statute Article 7(1)(c). The prosecution will present the case to your honors; we will submit the appropriate incriminating evidence to authenticate our claims and will ask for the proper sentence.

Indictment

The prosecution charges the accused with abuse and exploitation of human beings for forced labor in the conduct of aggressive war" as a crime against humanity as defined by article 7(1)(c) of the Rome Statute. The acts and conduct of the accused were alleged to have been committed unlawfully, wilfully and knowingly and to constitute violations of international conventions, particularly of article 7(1)(c) of the Rome Statute.

Outline of the Case

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. These are exacts quotes from the Universal Declaration

of Human Rights, and I say with no pleasure that they have been violated by the accused and many other members in the Nazi Party. In fact Himmler, a man very close to the Fuehrer and Mr. Speer, said in a speech, "What happens to the Russians, to the Czechs, does not interest me in the slightest. What the nations can offer in the way of good blood of our type we will take, if necessary, by kidnapping their children and raising them here with us. Whether the other nations live in prosperity or starve to death interests me only insofar as we need them as slaves for our culture; otherwise, it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an anti-tank ditch or not interests me only insofar as the anti-tank ditch for Germany is finished."

This speech perfectly demonstrates the Nazi party's view of races, and the accused is a high

ranked official in the party. Let me briefly explain the views this party had. In the Nazi mindset, races other than the master race were regarded as slaves; mere tools to aid the master race in obtaining what they think they own by right. This mindset is the very source of Speer's actions.

It is this notion that justified forcing millions to work themselves to death. The judges should know the heartbreaking fact that the Nazi Regime has cost the world, 11 million lives. The accused has disregarded what every man possesses, the right to life and liberty.

The accused has regarded humans as workforce, free men as the properties of Germany; to him all except the master race were expendable.

We think that everyone in this courtroom should know about The Rome Statute Article 28(b)(i), "With respect to superior and subordinate relationships,

the superior shall be criminally responsible for crimes committed by subordinates under his effective control, as a result of his failure to exercise control properly over such subordinates where,

(i) The superior either knew or consciously disregarded

information indicated that the subordinates were committing crimes"

"Consciously disregarded information" means that the accused chose not to learn about the crimes committed under him. We will prove that consciously disregarded information is an understatement in comparison to what the accused has done.

During the war, Albert Speer did not believe he was forcing free men to work, merely utilizing subjects that belonged to Germany. He forced men to work like farm animals, they rarely slept or ate, and if they did not obey they were tortured or killed. The accused is responsible both for conspiring and executing the aforementioned strategy of using foreign labor as means of manpower in the war. As the following evidence will prove the accused is one of the few men to truly violate the Rome Statute.

On the charge of enslavement

Albert Speer testified that he was not only a member of Nazi Party after 1932 but he held a high rank in it. Therefore he was familiar with the Nazi Agenda and was aware of the common policies the government implemented such as the anti-Semitic policy towards the Jews. In addition as the Minister of Armament and Munitions,

he was responsible for the war industry and the economy which involved the maintaining

of concentration camps and laboring areas that were used for manpower. As the evidence; 3/26/1943 a letter from Plenipotentiary for the Allocation of Labor states; "At the end of February, the Reichsfuhrer SS, in agreement with myself and the Reich Minister for armaments and munitions, for reasons of state security, has removed from their places of work all Jews who were still working freely and not in camps, and either transferred them to a labor corps or collected them for removal." This shows that the accused was involved in committing Jews to concentration camps. In his cross examination Albert Speer admitted that he used and encouraged the use of forced labor from the concentration camps to support the German economy and in turn to win the war. The honorable judges should be aware of the fact that the German war production doubled in two years after the accused assumed the position of Minister of Armament and Munitions. This could not have been accomplished even in optimal circumstances let aside the state of aggressive war present in Germany without forcing the unfortunate prisoners to work as if they were Germany's property and so they had the right. At this point it should be mentioned that the labor produced in the concentration camps were allocated for and by the Ministry of Armaments and Munitions, obviously run by the accused. Additionally The accused was obviously aware since it was stated in his testimony, of the deportation of one hundred thousand Jews to work in airplane factories and the transfer of fifty thousand prisoners of war to work on Atlantic Wall and in fact coordinated this operation to some extent; thus proving that he intentionally and knowingly used forced labor to the point of enslaving the prisoners of war. The Accused also admitted that concentration camps were used as coercion for prisoners who were not working efficiently. As the accused stated on 10/30/1942, in the Central Planning Board meeting, "We must also discuss the slackers. Ley has ascertained that the sick list decreases to one-fourth or one-fifth in factories where doctors are on the staff who examine the sick men. There is nothing to be said against SS and Police taking drastic steps and putting those known to be slackers into concentration camp factories. There is

no alternative. Let it happen several times, and the news will soon get around." This evidence establishes that the accused was keeping the workers in considerable fear of concentration camps to reduce the number of slackers. The prosecution also wants to underline the fact that he used concentration camps as a threat, which indicates that Albert Speer was aware of the inhumane circumstances in concentration

camp but he chose to disregard such minor details. The factories mentioned above are facilities used by the Ministry of Armament and Munitions, were places where men were worked like cattle.

Also as it is stated in article 28(b)(i) follow as; (b) With respect to superior and subordinate relationships

not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his effective authority and control, as a result of his or her failure to exercise

control properly over such subordinates, where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes.

He consciously disregarded facts about the circumstances in the concentration camps. As the Minister of Armaments and Munitions, Mr. Speer had every opportunity to learn about the conditions in concentration camps, he even visited one. We think it's preposterous that he could have been in the dark for so long.

In his examination the accused also admitted that he didn't use his influence and high rank in the party to stop the allocation of labor from occupied territories to Germany. He didn't even try to humanize the conditions of the deportations as he admitted.

As the honorable judges can clearly see the overwhelming evidence points out to the fact that accused has knowingly and willfully breached the Rome Statute Article 7 (1) (c)

Conclusion and Summary

Since 1932, the date Albert Speer joined the Nazi Party, he has known the Agenda that including the information by the Nazi Party established The accused was one of the most important steps in the stair called Nazism. Nazism was a policy of mass enslavement and mass deportation, both claimed as crime against humanity. Not only was a member of Nazi Party the accused the Minister of Armament and Munitions.

The prosecution wants to remind to your honors that the accused was responsible for the war industry and the economy which involved the maintaining of concentration camps and laboring areas that were used for manpower. According to his cross examination your honors will clearly see; he used and encouraged the use of forced labor from the concentration camps to support German economy. German war production doubled in two years after defendant assumed the position of Armament and Munitions. Your honors will decide if the accused Speer succeed to make the arm manufacturing doubled during the year of 1944, while Germany was being bombed by Soviet and U.S army by making the laborers work under unbecoming and inhumane circumstances or not. The defendant was obviously aware of the deportation of one hundred thousand Jews to work on Atlantic Wall. The accused, Speer, enslaved laborers who are not from the pure German race and deport them to suppress them from the economical, social and political life. The prosecution wants to underline the fact that again; in his examination the Accused also admitted that he didn't use his influence and high rank in the party to stop allocation of labor from occupied territories of Germany. He didn't even try to humanize the conditions. We are regretfully claiming that consciously disregarding the facts about the inhumane and unbecoming circumstances in the concentration camps caused exploitation and breaching rights of thousands of people determined by a declaration that is accepted by almost all countries over the world: Universal Declaration of Human Rights, such as right to life and liberty and freedom for accommodation. The prosecution charges to defendant with the abuse and exploitation of human being for forced labor in the conduct of aggressive war as a crime against humanity as defined by article 7(1)(c) of the Rome Statue. The acts and conduct of the accused were alleged to have been committed to enslavement. Prosecution is convinced that accused must be sentenced for life. Prosecution rests.

c. Sample position paper Defense Honorable judges

We as the defense council have taken the task of defending Mr. Speer. Albert Speer is accused

with crimes against humanity according to the article 7 (1) (c) and 28 (b) of the Rome Statue. Albert Speer pleads not guilty.

Background

Albert Speer joined the Nazi party in 1931 and in 1934 Hitler became acquainted with Speer. Speer was a German architect and Hitler was a fan of architecture. He shortly became chief architect of Hitler and after Fritz Todt's death he became the Minister of Armaments and Munitions and also the chief of the Organization Todt (OT). Organization Todt is an organization which is for voluntary construction work. His aim was to combine the German industry in the war economy including the production of armament. He re-planned the cities of Berlin and Nuremberg. Because of his works and position; he was very close to Hitler and his personal staff. After December 1941 because of the Russia's invasion he became responsible for the use of manpower to reconstruct the destroyed railroad installations in Russia. He made the armament and war production of Germany more strong than ever. He reduced bureaucracy and improved war production with doubling it. It is also known as he used foreign labor and labor of prisoners of war to get this efficiency. Even though he was a part of the Nazi party, he was not a member of the SS (Schutzstaffel). In 1932, he took part in activities related to SS, but he was never a registered member. He didn't want any responsibility in SS. Albert Speer was Fritz Sauckel's superior. Sauckel was responsible for the labor assignments within the Board of the Steering Committee. Steering Committee was composed of the military and industry representatives who assured the efficiency of industrial reproduction concerned with military needs. Speer assured the efficiency of industrial reproduction by a Steering Committee. Sauckel was the general for Labor Deployment. He was also a Nazi war criminal and he organized the systematic enslavement. Sauckel believed that forced labor was the only chance for Germany's war economy to improve. Even though he might commit crimes he didn't except it in the trial.

Responsibility

Referring to the article of Rome Statue 28 (b)(i)(ii)(iii)

In addition to other grounds of criminal responsibility under this Statute for crimes within the jurisdiction of the Court:

(b) With respect to superior and subordinate relationships

not described in paragraph (a), a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed by subordinates under his or her effective authority

and control, as a result of his or her failure to exercise control properly over such subordinates,

where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;

(ii) The crimes concerned activities that were within

the effective responsibility and control of the superior, and

(iii) The superior failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities, Hitler was the one who controlled and gave orders to Sauckel that's why Speer couldn't control Sauckel. The quotation below shows that Speer is not responsible under the charge of article 28 (b)(ii);

"MR. DODD: [...] He authorizes Gauleiter Sauckel to take all necessary measures. He would agree to any compulsory measures in the East as well as in the Occupied Western Territories if this question could not be solved on a voluntary basis."

Speer and the ministry weren't responsible for the recruiting of foreign workers and prisoners he expresses with the quotation below with the defense member;

"SPEER: Neither I nor the Ministry was responsible for this. [...] It took no competence in any field away from an existing authority. The conditions of work were still handled through the old existing authorities. The Food Ministry and the various offices connected with it were responsible for the food supply, and the occupation-

supervising agencies in the Reich Labor Ministry were responsible for the maintenance of safe and bearable conditions at the places of work; the Trustees of Labor, working under the Plenipotentiary for Labor Commitment, were responsible for the salaries and the quality and quantity of work done; and the Health Office of the Reich Ministry of the Interior was responsible for health conditions.[...]"

For the accusation of 28 (b)(ii), the defendant wasn't responsible as Albert Speer explains;

"SPEER: [...] The Justice Department and the Police Department were responsible for violations against labor discipline, and, finally, the German Labor Front was responsible for representing the interests of labor with the employers. The centralizing of all of these authorities lay in the hands of the Gauleiter as Reich Defense Commissioner.

The fact that the SS put itself and its concentration camp internees[...] was not a matter of concern to my Ministry.

Albert Speer was not related to the labor organizations

in France which is shown below;

"DR. FLACHSNER: [...] I only want to rectify a mistake, Herr Speer. It is mentioned in the document

that you had something to do with organizing forced labor in France; is that true?

SPEER: No, the organization of labor in France was not under my control."

At the end of the war he tried his best to save infrastructure and cities from destruction for the German people. Also he took a personal risk by disobeying Hitler's orders which were for ruthless

demolition of anything possible that the enemy can use on evacuated German territory. This decision of lifetime could cost his life to end as known that Hitler didn't allow the ones to live who disobeyed him. Speer couldn't understand how it would be good to make civilians suffer more after the lost war.

The accusation of article 28(b)(i); Speer wanted to improve the concentration camps because he heard that his decrees and directives were being violated. But still he didn't know the extreme measures taken in camps so he decided to visit Mauthausen. By this he could have an influence on the changing. When he went there he couldn't see the extreme conditions because they didn't let him as he states;

"DR. FLACHSNER: On your visit were you able to learn about the working conditions in the camp?

SPEER: No, I could not do that, since no workers were to be seen in the camp and the harbor installations

were so far from the street that I could not see the men who were working there.

DR. FLACHSNER: [...] Did you learn, on your visit at Mauthausen or on another occasion, about the cruelties which took place at this concentration camp and at other concentration camps?

SPEER: No."

About the accusation of article 28 (b)(iii) Albert Speer did his best to save people with objecting

Hitler. With this quote, we can understand that, to keep his blocked factories, which were advantageous for workers, he disobeyed Hitler's orders;"SPEER: His decision was a useless compromise, as was often the case with Hitler. These blocked factories were to be maintained, and for this purpose Sauckel was given the order to obtain 3,500,000 workers from the occupied territories. Hitler gave the strictest instructions through the High Command of the Armed Forces to the military commanders that Sauckel's request should be met by all means.

DR. FLACHSNER: Did you agree to this decision?

SPEER: No, not at all; for if it were executed my program of shifting industries to the West had to collapse.

DR. FLACHSNER: And what action did you take after that?

SPEER: Contrary to the Fuehrer's decision during that meeting, I informed the military commander of the way I wanted it, so that in connection with the expected order from the High Command of the Armed Forces the military commander would have two interpretations of the meeting in his hands. Since the military commander was agreeable to my interpretation, it could be expected that he would follow my line of thought."

On the charge of enslavement

Albert Speer is also charged with the article 7(c)(1) mentioned below;

Article 7

Crimes against humanity

1. For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic

attack directed against any civilian population, with knowledge of the attack:

(c) Enslavement;

(c) "Enslavement" means the exercise of any or all of the powers attaching to the right of ownership

over a person and includes the exercise of such power in the course of trafficking in persons,

in particular women and children;

The workers in the concentration camps indicated that working in armament factories was better than working in camps because of the difference in working standards.

In factories workers were granted the food by the Food Ministry and also workers were given

some cigarettes and tobacco when workers voluntarily

did extra work. This means Speer never maltreated the prisoners as he says in the trial;

"[Albert Speer] A. We gave out many millions of packages to armament plants. They contained additional food, chocolate, cigarettes, and so forth, and these bonuses were given in addition to all the extra food rations which were allowed by the Food Ministry for those who worked longer hours or who did heavy work. In the industries,

these bonuses were given to all workers without distinction, including the foreign workers, prisoners of war and the workers from concentration camps."

Speer asserts that the people working for the Organization Todt in the West were not forced to work. They had to come to work initially, but there weren't any means to keep them there by force. They could choose to not work and many of them took part in the resistance. There is no evidence that he tortured or killed any worker if they did not obey their orders. Even though he accepts that he had a punishment for the workers, who did not do their work or pretended to be ill.

At the time, Speer wasn't aware of the extremely inhumane conditions of the concentration camps; so, he believed that threatening to send workers who would chose to not do their work, to concentration camps, which had a bad reputation

in Germany would be a good motivation for them to do their work. It was for the reason that he couldn't let the production decrease during war time. Also with the quotation below, we prove that he wasn't aware of the circumstances:

"SPEER: Of course, when on inspection tours of industries I occasionally saw inmates of concentration

camps who, however, looked well fed."

Albert Speer informed the trial about his usage of manpower with the quotation below:

"Yes, but I must point out that only a very small part of the manpower that Sauckel brought into Germany was made available to me; a far larger part of it was allocated to other departments that demanded them."

Albert Speer again emphasizes that he didn't have any influence on the circumstances of the workers and he also didn't use force and terror with the quotation from his testimony of 18 October 1945.

SPEER: I had no influence on the method by

which workers were recruited. If the workers were being brought to Germany against their will that means, as I see it, that they were obliged by law to work for Germany. Whether such laws were justified or not, that was a matter I did not check at the time. Besides, this was no concern of mine. On the other hand, by application of force and terror I understand police measures, such as raids and arrests, and so on. I did not approve of these violent measures, which may be seen from the attitude I took in the discussion I had with Lammers on 11 July 1944. At that time I held the view that neither an increase in police forces, nor raids, nor violent measures were the proper thing. In this document I am, at the same time, referred to as one of those who expressed their objections to the violent measures which had been proposed. [...]"

Speer and the ministry didn't force anyone to work. The quotation below shows us Speer gave many job opportunities for the ones that don't want to come and work in Germany but work in their own country. By this program he made more jobs available with better conditions that can also improve Germany's economy. "DR. FLACHSNER: [...] By setting up these blocked factories, Speer, if I may put it that way, wanted to put an effective stop to the transfer of workers from the West to Germany."

The following quotation mention that Speer's intend was that workers shouldn't be treated as slaves. Speer's request in March 1942 was "that the Russians under all circumstances were to receive sufficient food and that civilian Russians were not to be put behind barbed wire and be treated as prisoners of war." Speer received a letter

on 15th May about Police taking workers to concentration camps against their will. He immediately demanded that the workers "should be returned to their old factories at once." He thought that what the Police did was "nothing more than kidnapping" and these situations happened while he was ill.

Mitigating Circumstances

Even though Speer pleads not guilty we would now like to consider mitigating circumstances; When Hitler ordered that all Jews must be removed

from armament factories, he was against Jews being taken out of their work. He kept the Jews in factories even though it could cost him life and change Hitler's thoughts about him. Even after Hitler insisted that Jews must be removed

from armament firms, Speer managed to keep the Jews in factories until 1943, when the resistance gave way. This shows that Speer was by all means not anti-Semitic.

Albert Speer believed that workers should be treated as any human being is treated. He never ordered to kill or maltreat any human being. Albert Speer wanted workers to work near their families and in their countries for their own good as he expresses in the quotation; "SPEER: [...] Therefore, approximately since June 1943, I established the so-called blocked factories through the military commanders in France, Belgium, Holland, and Italy soon followed suit in establishing these blocked industries. It is important to note that every worker employed in one of these blocked factories was automatically excluded from allocation to Germany; and any worker who was recruited for Germany was free to go into a blocked factory in his own country without the labor allocation authorities having the possibility of taking him out of this blocked factory."

With Speer's act mentioned, he wanted workers to live a normal life without separated from their families and cultures. He respected their thoughts and wills.

Also, we urge Judges to consider the fact that the Defendant did his best for workers without distinction. He even considered sacrificing his own life by disobeying Hitler. Even though terrible things happened in the war we must be very careful whom to hold responsible. Enslavement was present in concentration camps but that was not under the control of Albert Speer. We believe we have cast sufficient doubts on the case of the prosecution therefore demand the acquittal of the defendant.

d. Sample judgement

Prosecutor vs. Albert Speer

Before judges 1, 2, 3

April 17th, 2009

The Office of the Prosecutors: a, b, c

Counsel for Defenders: e, f, g

Introduction

During the years 1939-1945, WWII took place, which was planned by Germany to take over as many territories in Europe as possible. This purpose

required a lot of resources such as natural resources

and the workforce. Thus, having most of the men recruited for the army, Germany was left with women

and children to work. However, Germany was reluctant to use that force and instead they used prisoners of war, concentration camp inmates and

foreigners as work force which were recruited from the occupied territories in the East and the West. By 1940, due to the reluctance of major industries, the German industry was not integrated to an economy of war. The situation improved with the appointment of Fritz Todt as German Minister of Armament and Munitions in March 1940. Todt served to integrate the German industry into an economy of war.

Albert Speer (born in Mannheim on 19th March, 1905) was a German architect, a close acquaintance of Hitler in Nazi Germany and became the Minister of Armaments and Munitions and the chief of the Organization Todt (OT) which is a voluntary organization for construction work. Albert Speer, following Fritz Todt, made the armament and the war production more efficient by doubling it. Speer played a great role in Germany's war production by using foreign labors and prisoners of war in forced labor. He is accused of abuse and exploitation of human beings for forced labor in the conduct of WWII.

Applicable Provisions

The Accused has been charged with crime against humanity of enslavement according to article 7 (1) (c) RS

Enslavement is defined as "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children" by the Rome Statute 7(2)(c)

On the Count of Enslavement According to Article 7(1)(c) of Rome Statute

The Prosecution and The Defense strongly disagree that the Accused is responsible for committing the crime of enslavement according to article 7(1)(c) of RS. The Court will elaborate on this issue.

The Prosecution has stated that Albert Speer testified that he was not a member of the Nazi Party but nonetheless held a high rank in it. Thus, the Prosecution has said that Albert Speer, on the contrary of his testimony, was very well aware of Nazi ideology and their view of the foreign workforce as Reich Minister of Armament and Munitions. The Defense also said that the Accused was not a member of the SS (Schutzstaffel), though he took part in the activities related

to SS but never as a registered member. In the Court's opinion, it is irrelevant whether the Accused was a party member or not, since he held a high rank in a government office such as the Reich Minister of Armament and Munitions. To be promoted to such an office, the Accused had to be aware of the anti-Semitic policy of the Nazis. However, it is possible that the Accused was never a part of the SS but the fact that he took part in their activities suggests that he approved of the Nazi ideology.

The Prosecution has stated that Speer was never concerned with the workers' well-being and health, himself but instead saw them as a workforce to increase the war production. The Accused only wanted the workers to stay healthy so that he could maintain the successful production.

Furthermore the Prosecution has stated that the German war production doubled in two years after the Accused received the position of Minister of Armament and Munitions. The Defense Council, however, argues that Speer never maltreated the prisoners and in fact gave them additional food when they worked extra hours in armament plants and in industries such bonuses were given to all workers including the foreign workers, prisoners of war and workers from concentration camps without exception. The Defence Council brings forth evidence in which Speer stated in March 1942: "That the Russians under all circumstances were to receive sufficient food and that civilian Russians were not to be put behind the barbed wire and be treated as prisoners of war."

In the opinion of the Court, considering the ideology of Hitler and his obsession with strong and healthy nation, it is possible that the Accused held the same ideas; however, this does not mean that the Accused approved or executed any kind of maltreatment to the workers. It seems probable that the Accused could have given bonuses to the hard-working workers and protected the Russian civilians. The Prosecution has stated that the Accused used and encouraged forced labor to support the German economy in order to win the war. The Prosecution has also said that the labour produced in the concentration camps were allocated for and by the Ministry of Armaments and Munitions which is run by the Accused, himself. The Prosecution has also presented evidence that the Accused knew and approved of the deportation of one

hundred thousand Jews to work in airplane factories and the transfer of fifty thousand prisoners of war to work on the Atlantic Wall. The Defence, however, affirms that the workers working for Organization Todt in the West were not forced to work, that they were obliged to come to work but they were not kept there by force. The Defense presented evidence implicating that the Accused had no influence on how the workers were recruited and never concerned himself with it because he saw it as law. Another evidence presented by the Defence Council is a letter received by Speer on May 15th about Police taking workers to concentration camps against their will. According to the evidence the Accused worked to stop the deportation and thought what the Police did was “nothing more than kidnapping”.

In the Court’s opinion it seems highly unlikely that the prisoners were not obliged to work for the Ministry and the Accused coordinated all of the deportations. However, it seems probable that the Accused individually did not have complete influence on how all the workers were picked even though he participated in some of the deportations. Thus the Court thinks that the Accused did not try to execute a greater plan but only acted in the moment in a way that the war required.

Concerning the Criminal Responsibility of the Accused

The threshold for the criminal responsibility of a civilian superior is defined in Article 28(b)(i) RS: “a superior shall be criminally responsible for crimes within the jurisdiction of the Court committed

by subordinates under his or her effective authority and control, as a result of his or her failure to exercise control properly over such subordinates, where:

(i) The superior either knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes;”

The Prosecution argues that the Accused knew the exact conditions of the concentration camps and therefore threatened the prisoners of war who tried to avoid work by claiming that he would send them to the concentration camps. The Prosecution brought forth evidence proving that the Accused used this method of threat to decrease the number of workers who avoided the work: “Let it happen several times and the news will soon get around”.

The Defence, however, argues that the Accused

was not aware of the inhumane conditions of the concentration camps: “Of course, when an inspection tours of industries I occasionally saw inmates of concentration camps who, however, looked well-fed.

The Court thinks that it is highly unlikely that the Accused, being so close to the Nazi ideology and Hitler and visiting a concentration camp in Mauthausen, is unaware of the conditions in the camps. If -as the Defence has stated -the Accused visited the concentration camp and didn’t see the circumstances; under the Article 28(b)(i) of RS, the Accused consciously disregarded the conditions of the camp. The Defence Council failed to prove that the Accused did not have any information regarding the conditions of the camp.

Verdict

The Trial Chamber, for the aforementioned statements of the Prosecutor vs. Albert Speer case, finds the Accused guilty of crime against humanity of enslavement according to the Article 7(1)(c) of RS.

Mitigating and Aggravating Circumstances

The Defence Council has stated that the Accused disobeyed Hitler when he ordered to demolish the blocked factories that the enemy can use on evacuated German territories. The Accused believed that such a demolition was not necessary since it would hurt German citizens. In the opinion of the Court, such a mitigating circumstance

is taken into consideration.

The Defence Council has stated that the Accused accepted his wrongs and apologized for his actions during the WWII. The Court thinks that apology and remorse can be accepted as a mitigating circumstance.

The Defence Council has said that the Accused allowed the workers to be allocated in blocked factories in their own countries instead of Germany without having the risk of getting deported. In the opinion of the Court, such a mitigating circumstance is taken into consideration.

Penalties

For the aforementioned reasons, the Trial Chamber, having considered all of the evidence and the arguments in light of the statute and the rules unanimously imposes on Albert Speer the following penalty:

The Accused is sentenced to 18 years on the ground of enslavement as a crime against humanity according to article 7 (1) (c) RS with the possibility of parole after 12 years.

Done in English
Judges: 1, 2, 3
The 17th Day of April 2009 at Kryzowa