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# Topic Guide

The Trial of Harry S. Truman

**International Criminal Court**



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# The Trial of Harry S. Truman

## Information about the case

Harry S. Truman was the 33rd president of the United States, serving from 1945 to 1953. A member of the Democratic Party, he previously served as a United States senator from Missouri from 1935 to 1945, and briefly as the 34th vice president in 1945 under Franklin D. Roosevelt

It has been charged by the prosecution that US President Harry S Truman, acting as commander-in-chief of American forces in World War II, committed war crimes and crimes against humanity in ordering attacks with nuclear weapons against the Japanese cities of Hiroshima and Nagasaki in August 1945.

The indictment alleges that Truman used excessive force and violated the principle of justice in war by deliberately targeting civilians and non-military targets with weapons of mass destruction.

## Definition of key terms

**Crimes 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: Murder, Extermination, Enslavement, Deportation or forcible transfer of population, Torture, Rape, sexual slavery.

**Genocide:** genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such: Killing members of the group, Causing serious bodily or mental harm to members of the group, Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, Imposing measures intended to prevent births within the group, Forcibly transferring children of the group to another group.

**War crimes:** Crimes committed as a part of a plan or policy or as part of a large-scale commission of such crimes:

- i. Willful killing
- ii. Torture or inhuman treatment, including biological experiments;

- iii. Wilfully causing great suffering or serious injury to body or health;
- iv. Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- v. Compelling a prisoner of war or other protected person to serve in the forces of a hostile Power;
- vi. Wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
- vii. Unlawful deportation or transfer or unlawful confinement;
- viii. Taking of hostages.

The Security Council referred and acted following Chapter Seven of the UN Charter, per what was stipulated in Article 13 of the Rome Charter, Henry S Truman to the International Criminal Court, and issued an order to arrest Truman from the Pre-Trial Chamber and refer him to the court.

The charges against Truman before the First Instance Chamber of the International Criminal Court:

- Crimes against humanity – premeditated murder
- Genocide

### War Crimes

The prosecution will try to prove the presence of the elements of the previous crimes, as well as the responsibility of Henry S Truman while the defense team will try to deny the presence of the elements of these crimes, as well as the lack of responsibility.