

The Tokyo Tribunal and Its Contribution to International Criminal Law

Abstract

The aims of my thesis are to analyze whether the principle of legality (*nullum crimen sine lege, nulla poena sine lege*) has been breached by The Tokyo Tribunal and to evaluate the Tribunal's contribution to the field of international criminal law. The work is divided into five chapters. First two, *The Charter* and *The Indictment* outline the establishment and jurisdiction of the Tribunal, the rules of proceedings, counts of the indictment and the accused. The remaining three chapters are a compilation of legal argumentation with a focus on the arguments concerning the principle of legality: *Crimes under International Law before the Post-War Tribunals* summarizes the opinions of international commissions, *The Judgement* the opinions of majority judges and *The Minority Opinions* the opinions of minority judges. In the *Conclusion*, I argue that while the principle of legality was breached, the adherence to it is a matter of choice between the doctrine of strict liability and that of substantive justice and I identify the affirmation of The Nuremberg Principles, the notion of conspiracy to commit aggression as a separate crime and extending the scope of the command responsibility doctrine as the Tribunal's contribution to international criminal law.

Keywords

The Tokyo Tribunal, international criminal law, crimes under international law