

Centre for International and Public Law, ANU College of Law, and the **Australian Red Cross (ACT) International Humanitarian Law Committee**, present

## SOLFERINO SEMINAR

# Conspiracy at Tokyo: The Tokyo Tribunal and the Concept of Conspiracy in International Criminal Law

Associate Professor Neil Boister  
School of Law, University of Canterbury

The decision of the majority at Tokyo on aggression has been subject to some critical appraisal, particularly directed at the four main elements of the decision: the existence of a prohibition on the use of force prior to the second world war, the individualisation of this prohibition in a penal form, the ex post facto objections to the charge, and the defence of self defence. This lecture focuses on the fifth element: the charging of the Crimes Against Peace as a conspiracy. It illustrates the rather curious way in which the conspiracy charge evolved during the course of the trial, in order to draw some general conclusions about the historical and international legal validity of these conspiracy charges.

Neil Boister joined the University of Canterbury, from the University of Nottingham at the beginning of 2003. His principle areas of research interest lie in the intersection between the fields of criminal law and international law. He is currently engaged in writing a monograph, co-authored with Dr. Robert Cryer of the University of Nottingham, to be entitled "The Tokyo International Military Tribunal, A Reappraisal" (OUP).

**Commentator: Dr Michael Carrel**, Chair of the Australian Red Cross (ACT) International Humanitarian Law Committee. His recently conferred PhD from the University of Melbourne followed from an examination of the series of Australian war crimes trials of Japanese defendants conducted by the Australian Army between 1945 and 1951.

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**Tuesday 18 July, 5.30pm**

**Law Link Theatre**, ANU College of Law, cnr Fellows & East Roads, ANU

RSVP to: [cipl@law.anu.edu.au](mailto:cipl@law.anu.edu.au) by cob 17 July

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*Solferino Seminars* are organized by the International Humanitarian Law Department of the Australian Red Cross in the ACT. The name *Solferino* comes from the battlefield in Northern Italy where, in 1859, Henry Dunant witnessed great carnage and suffering, inspiring him to work for the establishment of the Red Cross Movement.



Centre for International & Public Law, ANU College of Law  
T: 6125 0454 E: [cipl@law.anu.edu.au](mailto:cipl@law.anu.edu.au) W: <http://law.anu.edu.au/CIPL>