

**Statement of the Government of Japan**  
**H.E. Mr. Yasumasa Nagamine**  
**Ambassador of Japan to the Netherlands**

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Madam Chair, Ambassador Krutnes

Japan firmly believes that cooperation of States and other parties concerned with the ICC is essential for the effective investigation and prosecution of those who are responsible for the most serious crimes before the Court. Needless to say the ICC does not possess any police enforcement force at its disposal and thus must rely on State authorities for the enforcement of arrest warrants and requests for cooperation. Without effective cooperation of States and other parties concerned with the Court, the ultimate goal of the Rome Statute will not be achieved.

From this point of view, Japan considers that the discussion among States Parties on how to improve the cooperation of States is extremely important, and I would like to express my gratitude to Ambassador Krutnes for your facilitation on the topic of cooperation and Norway's initiative for organizing this plenary session. Japan fully recognises the importance of the two issues raised in the Report on Cooperation, that is, (i) voluntary agreements on enforcement of sentences, witness relocation, temporary relocation of witnesses and interim release, and (ii) privileges and immunities of the Court's staff in light of the incidents in Zintan, Libya in June and July this year.

Japan is of the view that the information-sharing of concrete examples of such cooperation is essential for improving effectiveness of cooperation by States with the ICC because States Parties may face difficulties in implementing arrest warrants and requests for cooperation due to legal technical challenges, in particular, how to implement warrants or requests in accordance with national procedures. We are grateful that two honorable delegates of States Parties, Belgium and the Democratic Republic of the Congo just put forward their experiences. Therefore, Japan would like to share with our fellow States Parties two examples of our experiences on cooperation with the ICC and the ICTY, in order to illustrate how requests for cooperation can be implemented in

line with national procedures.

The first example is the request of the ICC for identification, tracing, freezing or seizing of property, bank accounts or shares which are owned or controlled by the former Libyan leaders including Gaddafi. Japan provided the ICC with information on the Libya-related assets frozen pursuant to the United Nations Security Council Resolutions 1970 and 1973, although it was not certain whether those assets were owned or controlled by the designated suspects. Upon the request of the Court, the Government of Japan provided the Court with the further information of the status of the freezing of the assets under those resolutions.

The second example is the request for cooperation from the ICTY. The defense counsel in one specific case wanted to obtain a testimony of a witness and approached the witness in Japan. The witness agreed to testify before the Trial Chamber of the ICTY in that particular case, but not in The Hague, but from Tokyo, Japan. Therefore, the Chamber requested the Government of Japan to coordinate on arranging the necessary practical details of a video-link testimony between Tokyo and The Hague i.e., to secure the use of the necessary facilities for that purpose. Japan obviously has the obligation to cooperate with the ICTY under the Security Council Resolution 827 and Article 29 of the ICTY Statute as a Member State of the United Nations. After a careful analysis of relevant national laws, the Government of Japan coordinated the testimony of the witness via video-link as requested. Both an official of the ICTY and officials of the Japanese Ministry of Foreign Affairs attended the testimony.

Madam Ambassador,

I wish the Japanese experiences with the ICC and the ICTY which I just explained will be helpful for other States Parties. Japan is always willing to share its experiences with other States Parties on the issue of cooperation. Probably, the ASP and the Court should facilitate this kind of information-sharing among States Parties through organizing a workshop like the one held in October or extending the facilities of legal database on line, such as the Court's Legal Tools Database.

Thank you, Madam Ambassador.