

## **Annex III**

### **Implementing legislation questionnaire for States Parties (Japan)**

1. Has your Government adopted any national legislation implementing the Rome Statute (“the Statute”), or otherwise enacted legislation pertaining to the Rome Statute?

(Answer) When Japan concluded the Rome Statute, Act on Cooperation with International Criminal Court (hereafter referred to as ICC Cooperation Act) was enacted in order to criminalize the act against the administration of the justice before the ICC and to set up the procedures for requests for cooperation from the ICC. The Act can be regarded as legislation pertaining to the Rome Statute.

Nevertheless, for your information, Japan decided not to enact substantive criminal law to cover the so-called core crimes, provided in the Article 5 of the Rome Statute, because we concluded that the existing domestic criminal laws cover the core crimes.

#### **IF NOT Part A**

2. What legislative efforts, if any, has your Government taken to implement the provisions of the Statute into national law?
3. What obstacles, if any, has your Government faced in its efforts to implement the provisions of the Statute?
4. What form of assistance would benefit your Government’s efforts to implement the Statute?

#### **IF YES Part B**

5. In implementing the Statute, did your Government draft a stand-alone legislation or did it incorporate the articles or substantive provisions of the Statute into pre-existing law?

(Answer) As explained in the answer to the question 1., Japan enacted the ICC Cooperation Act, which can be qualified as a stand-alone legislation.

6. Does the implementing legislation incorporate the substantive crimes through reference to the Statute or by incorporating the crimes into domestic law?

(Answer) As stated in the answer to the question 1., Japan did not enact new law to cover the substantive crimes, because we concluded that the existing domestic criminal laws cover the crimes.

7. Does the implementing legislation incorporate the following aspects of cooperation with the Court and if yes, how?

(Answer) The ICC Cooperation Act sets up the procedures for implementing all the obligations regarding the cooperation and judicial assistance for the ICC which are provided in the Rome Statute. Therefore, the Act covers all the items listed below, except the matters which are not provided as the obligation of the States Parties to the Rome Statute such as enforcement of sentences of imprisonment.

The translation in English of the Act is available at the web-sight “Japanese Law Translation,” URL of which is as follows.

<http://www.japaneselawtranslation.go.jp/law/detail/?id=2269&vm=04&re=01&new=1>

- (a) Arrest and surrender;
- (b) Interim release and release of persons (acquittal, non-confirmation of charges, etc);
- (c) Cooperation with OTP investigations;
- (d) Cooperation with the Court on the identification, tracing and freezing or seizure of proceeds, property and assets and instrumentalities of crimes;
- (e) Enforcement of sentences;
- (f) Witness protection;
- (g) Other forms of cooperation (see in particular article 93 of the Rome Statute).

8. Does the implementing legislation designate a channel of communication with the Court?

(Answer) The ICC Cooperation Act designates that the channel of communication with the Court is Minister for Foreign Affairs.

(End)