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JAPAN

Statement

by

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**At the Eighteenth Session of the Assembly of States Parties to the
Rome Statute of the International Criminal Court (ICC)**

The Hague, 3 December 2019

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

To begin with, I reiterate the support of the Government of Japan for the cause that the ICC pursues, namely, the fight against impunity and the rule of law.

The ICC can give significant influence to this end. However, ideas about how the ICC should be vary widely between countries and this is a harsh reality of the present. It is regrettable that this situation, at times, even leads to confrontations. We should return once again to the spirit and provisions of the Rome Statute.

The ICC is the first permanent international criminal tribunal and it is also an international organization. Consequently, the governance of the ICC and the functioning of the judges and the prosecutor have faced unprecedented challenges.

Under Article 31 of the Vienna Convention on the Law of Treaties, it is the States Parties, not the Court, who are in the position to implement “subsequent agreement and practice”. It is also the States Parties’ responsibility to decide on what the ICC is supposed to be.

Now is the time to review our experiences of the past seventeen years. It is necessary to reflect and discuss among ourselves as shareholders, at this session of the ASP, how the ICC can continue into the future with confidence.

Mr. President,

I would like to take up the following four issues which are of particular importance.

The first relates to the universality and complementarity. Due to its mandate and nature as a permanent court, the ICC should strive to be universal. We believe that the ICC should undertake its activities in a way that does not close but rather opens its doors to Non-States Parties to join the Court.

In this regard, I would like to remind that complementarity is the core principle of the ICC. The ICC is an organization that complements domestic criminal justice, and should remain as a court of last resort.

In order to strengthen the legitimacy of the ICC, what is important is to increase the number of States Parties, and not to increase the number of cases that attract political attention. We therefore heartily welcome the recent accession to the Rome Statute by Kiribati.

Second, we are deeply concerned about prolonged proceedings and the recent consecutive acquittals. Successive acquittals indicate the challenges we face in the collection and evaluation of evidence, and the performance in trials. If this situation continues, justice cannot be brought to the international community, the victims will have no relief and the human rights of the accused will also be compromised.

In Japan, if a serious case is acquitted, a thorough review is carried out. To prevent such unusual circumstances from happening again, we urge the Court to review the causes of acquittal, reflect humbly, and undertake drastic reforms including the possible recruitment of new staff.

The third point is the resource allocation and prioritization.

There have been numerous cases where the preliminary examination and investigation have continued for a long time. Among these, however, there are cases in which the sufficient collection of evidence cannot be expected, at least for a foreseeable future.

The resources of the ICC are provided by the tax payers of States Parties. The citizens of many States Parties, including surely those of Japan, will not be convinced of the need to continue to contribute their resources without outcomes. We urge the ICC to prioritize the situations and cases more strictly.

Mr. President,

The issue of geographical representation is also a matter of our grave concern. Given the limited time, my delegation will mention this subject under another agenda item.

Mr. President,

Last, but not least, after joining the ICC, Japan has contributed a total of 261 million euro to the Court. Japan will, as a part of our continuous support, make an additional contribution to the TFV (Trust Fund for Victims) to assist the victims of sexual and gender-based violence.

In order for Japan to fulfill its accountability towards its nationals and remain to contribute as a State Party, we need to see tangible outcomes from the Court. Japan will actively participate in the discussion so that the reform of the ICC can be carried out in a timely manner and with success.

Thank you.