

Yamauchi, Yoshimitsu (Japan)

[original: English]

Statement of qualifications

Statement prepared in accordance with article 36, paragraph 4 (a), of the Rome Statute of the International Criminal Court (ICC) and paragraph 6 of the resolution of the Assembly of States Parties on the procedure for the nomination and election of Judges of the ICC (ICC-ASP/3/Res.6, as amended)

(a) Specification in the necessary detail how the candidate fulfils each of the requirements in article 36, paragraph 3(a), (b) and (c), of the Statute, in accordance with article 36, paragraph 4(a), of the Statute

Mr. YAMAUCHI Yoshimitsu, the Japanese candidate for judge of the ICC, is a person of high moral character, impartiality and integrity who possesses the qualifications required in Japan for appointment to the highest judicial offices.

Mr. Yamauchi has had a distinguished career spanning over three decades in criminal justice and international legal cooperation. He is a highly prominent public prosecutor with exceptional competence in criminal law, international criminal law, and transnational crime. In his extensive career, he has served in various Public Prosecutors Offices in Japan, including as Chief Prosecutor of the Asahikawa District Prosecutors Office and as a prosecutor at the Supreme Public Prosecutors Office, dealing with a wide array of criminal cases through investigation, prosecution, trial, and appeal, and providing guidance on complex legal matters.

Furthermore, Mr. Yamauchi has played a pivotal role in promoting international judicial cooperation. He served as Assistant Vice-Minister of Justice for International Affairs and Human Rights, leading initiatives to promote the rule of law and human rights globally and overseeing major international conferences. As Director of the International Affairs Division, Criminal Affairs Bureau, Ministry of Justice, he functioned as Japan's central authority for various international mutual legal assistance and extradition matters, and represented Japan in numerous international negotiations on criminal matters. Currently, as Director of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) and Ambassador for International Judicial Cooperation, he leads global capacity-building and collaboration efforts in criminal justice.

Mr. Yamauchi has excellent command of English.

(b) Indication whether the candidate is being nominated for inclusion in list A or list B for the purposes of article 36, paragraph 5, of the Statute

Mr. Yamauchi is nominated as the Japanese candidate for judge of the ICC for inclusion in **List A** for the purposes of article 36, paragraph 5, of the Rome Statute.

As a highly competent public prosecutor and international legal expert, Mr. Yamauchi has dealt with a wide range of complex criminal cases, including economic and financial crimes, corruption, cybercrime, violent crime, and organized crime. In his senior positions at the Supreme Public Prosecutors Office and as Chief Prosecutor, he acquired extensive competence in criminal law and procedure, and in managing complex criminal proceedings.

He has spearheaded mutual legal assistance and extradition cases across multiple continents, including complex money laundering and foreign bribery investigations. He has directly represented Japan in negotiations of major international treaties such as the United Nations Convention against Corruption (UNCAC), and in numerous high-level international forums, including the UN Commission on Crime Prevention and Criminal Justice (CCPCJ), OECD Working Group on Bribery, and FATF. His leadership at UNAFEI further involves leading capacity-building projects for criminal justice systems worldwide, facilitating international cooperation, and contributing to the global fight against impunity for serious crimes.

Though he is a List A candidate, he possesses extensive experience in List B issues, gained notably during his tenure as Assistant Vice-Minister of Justice for International Affairs and Human Rights. This position involved

responsibilities such as investigation and remedy procedures for human rights violation cases, human rights consultation services, and human rights awareness-raising initiatives.

(c) Information relating to article 36, paragraph 8(a)(i) to (iii), of the Statute

The information relating to article 36, paragraph 8 (a), of the Rome Statute is as follows:

- (i) Mr. Yamauchi is qualified for appointment to the highest judicial offices in Japan, whose legal system mainly consists of continental law but also has some elements of common law;
- (ii) Mr. Yamauchi is a national of Japan, a member of the Asia-Pacific region; and
- (iii) Mr. Yamauchi is male.

(d) Indication whether the candidate has any expertise under article 36, paragraph 8(b), of the Statute

Mr. Yamauchi possesses significant legal expertise on specific issues. Mr. Yamauchi has investigated, prosecuted and conducted trial of numerous cases concerning sexual and gender-based crimes against women and children. In his capacity as Director of UNAFEI, he has been in charge of organizing various international training seminars focusing on topics such as youth involved in terrorism, human trafficking, and treatment of offenders that require special consideration including gender-related issues. He has also supervised UNAFEI's work in providing technical assistance to the Kenyan correctional service authorities to implement community-based treatment for young offenders and juvenile delinquents by building capacity of probation officers as well as community probation volunteers.

(e) Indication under which nationality the candidate is being nominated for the purposes of article 36, paragraph 7, of the Statute

Mr. Yamauchi is a national of Japan and does not possess the nationality of any other State.

(f) Indication whether the nomination is made under article 36, paragraph 4(a)(i) or paragraph 4(a)(ii), and specifying in the necessary detail the elements of the procedure leading to the nomination

Following a rigorous assessment by the competent departments of both the Ministry of Foreign Affairs and the Ministry of Justice, he has been selected from among state officials who possess the qualifications stipulated in article 36, paragraph 3(a), (b), and (c). His nomination as the Japanese candidate for judge of the ICC was endorsed by the Cabinet meeting of Japan, following the procedure stipulated in article 36, paragraph 4(a)(i) of the Rome Statute.

(g) Acknowledgement of information provided under sub-paragraph (a) by a senior member of the national-level judiciary or the authority of the Nominating State overseeing the nomination process

Accordingly, his nomination is formally endorsed by the Nominating State through its relevant authorities, including the Minister of Foreign Affairs.

(h) The commitment of the candidate to be available to take up full-time service when the Court's workload so requires

Mr. Yamauchi is committed to take up full-time service when the Court's workload so requires.