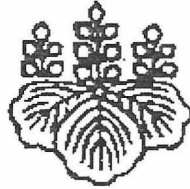


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JAPAN

Statement

by

H.E. Mr. Masaru Tsuji

Ambassador of Japan to the Netherlands

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

The Hague, 18 November 2015

H.E. Mr. Sidiki Kaba, President of the Assembly of States Parties,

Judge Silvia Alejandra Fernandez, President of the International Criminal Court,

Madam Fatou Bensouda, Prosecutor of the International Criminal Court,

Mr. Herman von Hebel, Registrar of the International Criminal Court,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

Let me begin by congratulating the International Criminal Court (the ICC) on its steady progress to realize the rule of law in the international community.

Also I would like to express the sincere appreciation of the Government of Japan for the leadership of President Silvia Alejandra Fernandez and the Presidency, as well as all the efforts made by other judges, the Prosecutor, the Registrar and the staff of the Court in consolidating the credibility of the Court and also enhancing the effectiveness and efficiency of the Court.

Mr. President,

Since the drafting and adoption of the Rome Statute, Japan has maintained a consistent policy towards the Court, which is to foster an efficient, effective, accountable and systematically sustainable international criminal justice institution. Based on this position, Japan, since its accession to the Rome Statute in 2007, has always been fully committed to the Court as one of the major financial contributors, participating in a constructive dialogue on the more effective functioning of the Court.

Mr. President,

Though Japan welcomes the steady progress of the Court, including its latest judgment of the Appeals Chamber on reparations in March this year, there is a strong anticipation among States Parties that the Court should conduct criminal proceedings expeditiously in order to realize international criminal justice. Having gone through its experiences over the past 13 years, the Court currently faces some urgent issues that need to be addressed.

One of such issues is how to enhance the effectiveness and efficiency of the Court. In this regard, Japan appreciates the efforts made by the Presidency during this year through its initiatives such as organizing the Nurnberg retreat meeting, drafting Pre-trial Practice Manual, and finalizing reports of the Working Group on Lessons Learnt on Cluster D concerning applications for victim participation and on Cluster A, B, C and E. Improving the harmonization of the jurisprudence and practice within the Court would lead to building a more transparent, effective and efficient Court. My delegation would like to emphasize the need for the Court to always open its door for a dialogue with States Parties and stay accountable. I would also like to highlight that a trust relationship between the Court and States Parties is indispensable to build a firm foundation for the effective functioning of the Court. In this regard, continuous efforts by the Court to gain the political commitment and support from States Parties are essential.

I would like to briefly touch on another issue on future activities of the Office of the Prosecutor (the OTP), namely the new Strategic Plan for 2016-2018, on which Japan submitted its comments in September. Japan is prepared to be engaged in the

discussions on this important topic. Given that a multi-year cost driver analysis associated with the new Strategic Plan and the 'Basic Size' concept are still under consideration of the OTP, Japan considers it important for the OTP to further examine the feasibility of the Strategic Plan by carefully looking into whether it can be implemented within the limited resources of the Court and what financial implications it has for other organs of the Court.

Mr. President,

How to gain the support of States Parties to the Court is also a challenge which both States Parties and the Court should address. Though the ICC is a judicial organ, the Court is not immune from any examination of its management and governance by the States Parties as being an organization established by an international agreement, namely, the Rome Statute. In order to ensure both legitimacy of and the support for the Court, both the Court and the international community should endeavour to find out the best way to address the Court's long-term "cost drivers" within its limited resources. In this regard, Japan highly values the fact that the Registry, notwithstanding various constraints, has taken a bold step towards a reform, namely the 'ReVision Project', in order to effectively re-allocate the limited resources of the Court to build a more efficient structure for effective functioning of the Registry. Since this is only the beginning of the reform process, Japan would like to continue to observe how the future work of the Registry will be improved in the course of the reform.

I would also like to refer to the issue of the new premises. From this winter, the Court will start its operations at the newly constructed permanent premises equipped

with the most modern facilities and technologies, but this does not alter the harsh reality of the increasing financial implication of the construction of and the transition to this new premises. Like many other States Parties which have very strong concerns over the ever increasing cost implication, Japan strongly urges the Registry to minimize the operating costs and maintenance costs of the premises to the extent possible. From this point of view, Japan will continue to closely monitor the implementation of the funding and governance scheme of the Total Cost of Ownership of the permanent premises.

Mr. President,

The importance of the role of the Trust Fund for Victims (TFV) for the victim issues including the reparations must also be emphasized. My government attaches great importance to the victim issues. In this regard, it should be noted that on November 3rd, the TFV released the draft implementation plan for reparations in the case against Mr Thomas Lubanga Dylio. This is the first practical step taken for realizing the promise of reparative justice to victims under the Rome Statute, which my government highly commends. Japan reaffirms its commitment to cooperating with the TFV under the leadership of the Board of Directors.

Mr. President,

Let me say a few words about universality of the ICC. When Japan joined the Rome Statute in 2007, Japan was the 105th Member State of the ICC. Since then, the number of States Parties has increased only by 18. Japan considers that though we need to continue to provide technical assistance to non-States Parties to overcome

legal or technical impediments for their early ratification of the Rome Statute, States Parties, jointly with the Court, should continue their efforts to consolidate the trust of the international community in the ICC as a permanent organ of international criminal justice. Japan is of the view that to promote the universality of the Rome Statute would not only facilitate the realization of the rule of law and consolidate the legitimacy of the ICC in the international community but also strengthen the financial basis of the ICC. Japan, for its part, is fully aware of its role, particularly in the Asia-Pacific region, and we are prepared to be engaged with our dialogue with any non-States Party which is seriously considering its ratification of the Rome Statute.

Mr. President,

In closing, I wish to express the sincere appreciation of Japan for the work that the ICC has accomplished to date. It is our belief that the ICC will continue to consolidate its credibility and reputation both inside and outside the Rome Statute system. Japan, is committed to further strengthen its contribution to the ICC and thus to the establishment of the rule of law in the international community.

Thank you.