



JAPAN

Statement

by

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

The Hague, December 2020

*Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,*

Japan is a staunch supporter of the ICC, and is firmly committed to the promotion of the rule of law and the fight against impunity in the international community.

This year, we have seen some developments in our efforts to strengthen the Court, despite the difficult situation due to COVID-19. On this occasion, I would like to share Japan's views on major points to be considered at this session of the Assembly of the States Parties.

Mr. President,

What is indispensable for the Court today is a comprehensive reform, so that the Court can function effectively and achieve tangible outcomes. In this regard, Japan welcomes the report of the Independent Expert Review (IER) which came out last September.

The IER report addresses various challenges the Court is currently facing, and produces specific recommendations. One of the recommendations to which Japan attaches great importance is the introduction of a rotation policy for staff members of the Court. At present, many stay in the same positions for a lengthy period of time, which has noticeably resulted in various issues within the Court. In order to vitalize the organization as a whole, it is essential to bring a new thinking and dynamic to the Court with this policy. Japan believes that this recommendation is opportune. We should start a discussion to introduce a rotation policy without delay.

Mr. President,

Another challenge of the Court addressed in the IER report is expediting investigation, prosecution and judicial proceedings. For a long time now, the length of the ICC proceedings has been pointed out as a major issue. Among recent cases for example, in the Yekatom and Ngaïssona case, their charges were confirmed about a year ago, and yet the case has not reached the trial phase. The closing statements of the Ongwen case took place in March this year, and we are still waiting for its judgement. The Gbagbo and Blé Goudé case,

in which the defendants were acquitted by the Trial Chamber in the beginning of 2019, is still pending in the Appeals Chamber.

Under these circumstances, recommendations of the IER report related to the proceedings should be taken seriously and turned into actions. Although it is the Office of the Prosecutor and the Judiciary who primarily assess and consider such recommendations, States Parties also need to engage in the process as it is our responsibility to ensure good governance of the Court. While the ICC is an independent judicial body, first and foremost, it is an international organization. In light of this, it is essential to develop a dialogue between States Parties and the Court on how the investigation, prosecution, and judicial proceedings of the Court should be.

Mr. President,

Consideration and implementation of IER recommendations play a crucial part in the reform. In order to achieve this outcome, we need an ASP resolution deciding on a specific process and deadlines. I hope that the States Parties can adopt such a resolution by consensus during this session and start moving forward from next year.

Mr. President,

The reform of the ICC is not only about the Court. It also means that we, the States Parties ourselves, review and reform our own deeds. Japan is concerned with the current status of arrears as presented in the report of the Bureau, and believes this issue should be addressed seriously. The ICC is an organization to promote the rule of law. Payment of the assessed contributions is a bare minimum role for the members of the ICC to observe.

While sufficient consideration should be given to the least developed countries, I would like to stress the fact that many States Parties under difficult economic situations, including developing countries, are making their payment every year in a timely manner.

Japan appreciates the facilitator for her efforts in promoting the payment and the ASP Secretariat for supporting her work. But hereafter, the Bureau should play an active role, in cooperation with the facilitator and the ASP Secretariat, to substantially improve the situation of arrears. Japan suggests that the Bureau members consult with the relevant States of their regional group and regularly report the result of the consultations to the Assembly.

Mr. President,

Let me also highlight the importance of the principle of complementarity. In order to make the Court universal, we need more States acceding to the Rome Statute. For that purpose, it is crucial that the Court builds a friendly relationship with Non-States Parties for them to accept the Court's credibility and maintains the original interpretation on the principle of complementarity as we had agreed when we adopted the Rome Statute. If the interpretation of this core principle of the ICC fluctuates, Non-States Parties cannot help but hesitate to accede to the Statute. Next year, States Parties will further develop discussion on complementarity under the co-focal points. Japan will closely cooperate with them and contribute to the discussion so that we can reach a meaningful outcome.

Mr. President,

Last, but not least, I am pleased to announce on this occasion that Japan will make an additional contribution to the Trust Fund for Victims, earmarked for supporting the victims of sexual and gender-based violence. The Government of Japan gives full support to the ICC. Success of the reform will assist my government in continuing this policy. We wish to advance expeditious and steady reform of the ICC in close cooperation with the Court and other States Parties.