Japan: Decision to Accede to the ICC
27 April 2007

Following the adoption at the House of Councillors of cooperating legislation for International Criminal Court (ICC), corresponding the Rome Statute for the establishment of the ICC, Amnesty International Japan welcomes today's decision taken by the Japanese Diet (Parliament) as an important step toward the fight against impunity of the worst crimes under international law, such as genocides, crimes against humanity and war crimes. Japan is now supposed to join the ICC shortly and its financial contribution to the ICC is already projected within its annual budget, which would largely strengthen the ICC financial stability from now on.

"Japan is now going to join the international team to fight against impunity of worst crimes under international law, and this would also protect the Japanese people from such atrocities."

Japanese government stated that it is not considering any bilateral agreement with the United States concerning surrender of U.S. nationals responsible for gross human rights abuses. AI Japan positively notes this argument and reiterates that no such agreement should be set with any governments as it allows perpetrators of gross human rights abuses to get away with justice.

"We expect the Japanese government to take a step forward to promote ratifications of the Rome statute worldwide especially in Asia Pacific region."

While welcoming the step today, Amnesty International Japan believes that there are several points remained to be considered further to overcome the obstacle for international efforts fighting against impunity.

First, the implementing legislation adopted today mainly incorporates only provisions for cooperating with the ICC and surrendering suspects to the ICC. Japan should criminalize also domestically the worst crimes under international law defined under the Rome statute in order to fight against impunity. Further, Japan should clearly establish the universal jurisdiction within its criminal code to deal with such crimes under international law.

Secondly, Rome statute provides internationally recognised safeguards for protection of accused, suspects, victims and witnesses, which Japan is failing to observe in its system. These include attendance of lawyers during interrogations, digital recording of such interrogations and protection and rehabilitation of victims and witnesses. Amnesty International Japan urges the government to amend the criminal procedures and to establish appropriate provisions to make sure the effective corporation with the ICC and to protect accused, suspects, victims, and witnesses in the line of international requirements corresponding the Rome Statute.

At the same moment, the government should consider joining the
Agreement on Privileges and Immunities of the Court (APIC) as soon as possible. APIC, which grants privileges and immunities to persons working for the ICC, is a crucial guarantee to give full support to lawyers, professionals and witnesses.

In addition, Japan should support proactively victims of gross human rights abuses. ICC does hold the "Trust Fund for Victims" which is supposed to support victims of human rights violations. Japan should also become a part of this trust to contribute to and strengthen the protection of victims of crimes under international law.

Amnesty International Japan believes that through sorting out problems described above, Japan may realise its own commitment as stated in its Constitution, "We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth."

Background

The Rome Statute was agreed on 17 July 1998 when the effort to set up a permanent international criminal court which will investigate and prosecute genocides, crimes against humanity and war crimes. The court was established four years later, fully supported by the international community. The ICC has so far taken up cases in Democratic Republic of Congo (DRC), Northern Uganda and Darfur, Sudan. It is expected to open a trial in 2007 for Thomas Lubanga Dyilo, who is charged of usage of child soldiers under 15 during the conflict in DRC.

The Rome Statute has 104 state parties at the moment and APIC is already joined by 48 states.

Amnesty International has repeatedly called upon the Japanese government to join this new system to ensure the rights of victims and to end history of impunity through its fair and impartial judicial procedure. It is expected Japan to deposit and accede the treaty within 2007.

Japan, today executed three persons. Contrary, the ICC excludes death penalty from punishment against the worst criminals under international law, which is a reflection of the international human rights standard as it currently stands.

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