

AMNESTY INTERNATIONAL

Public Statement

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Japan: Amnesty International welcomes Diet's decision to accede to Rome Statute of International Criminal Court

Amnesty International welcomes the decision by the Diet on 27 April 2007 to adopt legislation that will enable Japan to accede to the Rome Statute of the International Criminal Court (ICC). The organization urges the government to proceed with completing its accession process as soon as possible by depositing its instrument of accession with the United Nations.

The Diet's decision makes an important commitment for Japan to join the international effort to end impunity for the worst crimes under international law.

By acceding to the Rome Statute, Japan commits to cooperate with the new International Criminal Court which has been established to investigate and prosecute individuals accused of genocide, crimes against humanity and war crimes. Furthermore, as the ICC will only act when national courts are unwilling or unable to do so, Japan has committed to act complementary to the ICC by investigating and prosecuting the crimes before its national courts.

Amnesty International is campaigning for all governments to join Japan and the 104 other states which have ratified or acceded to the Rome Statute to establish an effective universal system of international justice that will deter the crimes and ensure that there are no safe havens for those persons that commit them.

Amnesty International hopes that the Japanese government will take steps to promote more ratifications of the Rome Statute worldwide, especially in Asia Pacific region.

Amnesty International encourages the government to follow its accession of the Rome Statute by taking other important measures to implement its commitment to international justice.

Firstly, Japan should criminalize all crimes under international law, including genocide, crimes against humanity and war crimes listed in the Rome Statute, in domestic law so that it can act complementary to the ICC. Although the implementing legislation provides for cooperation with the ICC it does not address this issue. Furthermore, Japan should enact laws providing its domestic courts with universal jurisdiction over these crimes so that they can investigate and prosecute the crimes regardless of where they have been committed or by whom.

Secondly, Japan should amend its criminal procedure code so that it fully incorporates the international fair trial guarantees and the rights of victims and witnesses enshrined in the Rome Statute and other international law. These rights include the right of suspects to legal representation during questioning, audio and/or video recording of interviews, protection of victims and witnesses and reparations for victims.

Thirdly, Japan should ratify and implement the Agreement on Privileges and Immunities of the International Criminal Court which grants privileges and immunities to the ICC, including ICC staff, defence, witnesses and victims, which are vital for the effective operation of the ICC.

Fourthly, Japan is urged to join other governments in making regular voluntary contributions to the ICC's Trust Fund established for the benefit of victims and their families.

Amnesty International believes that by taking these additional measures, Japan will further advance its commitment set out in Japan's Constitution, "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 adopted on 17 July 1998 to establish a permanent international criminal court. The ICC was established four years later with the overwhelming support of the international community.

The ICC is currently investigating crimes in the Democratic Republic of Congo (DRC), Northern Uganda and Darfur, Sudan. It is expected to start its first trial in 2007. Thomas Lubanga Dyilo is charged with recruiting child soldiers under the age of 15 during the conflict in the DRC.

Amnesty International has campaigned for Japan's accession to the Rome Statute since the Rome Statute was adopted in July 1998.

On 27 April 2007, the Diet's House of Councillors voted to adopt legislation to enable Japan to accede to the Rome Statute.