Comments and observations of Japan on the draft articles of Crimes against humanity of the International Law Commission (ILC)

1. Japan respects the current work of the Commission and welcomes the codification of “Crimes against humanity”. The international community should work together in order to suppress such crimes as they compose “the most serious crimes of concern to the international community as a whole”. In addition to the Rome Statute of the International Criminal Court (ICC), which regulates “vertical relationships” between the Court and its States Parties, the current work, which creates “horizontal relationships” among states, will lead to a strengthening of the effort of the international community for preventing those crimes and punishing their perpetrators.

2. Japan believes that the current work should avoid any legal conflicts with the regime of the existing international criminal tribunals, including the ICC. We are of the view that the procedural framework of the current work is consistent with that of the Rome Statute.

3. The definition of crimes against humanity in the current work is identical with the text of Article 7 of the Rome Statute. Japan supports the language of Article 7 as an appropriate basis for defining these crimes, considering that said article has been accepted by more than 120 States Parties to the Rome Statute. Japan recognizes that, in order to avoid the fragmentation of the definition of the crime, this is a realistic approach and should be welcomed.