

May 30, 2024

Ms. Yoko Kamikawa
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Tokyo 100-8919, Japan

Joint letter to the Japanese government to take actions to protect the independence of ICC

Dear Foreign Minister Yoko Kamikawa,

On May 20, the International Criminal Court (ICC) prosecutor, Karim Khan, [applied](#) to the court's judges for arrest warrants against three Hamas leaders (Yahya Sinwar, Mohammed Diab Ibrahim Al-Masri – more commonly known as Deif – and Ismail Haniyeh) and two senior Israeli officials (Benjamin Netanyahu and Yoav Gallant) for alleged crimes committed since October 7, 2023, in relation to his ongoing Palestine investigation.

We, the undersigned Japanese NGOs, urge Japan, as an ICC member committed to a rules-based international order, to protect the court's independence and publicly condemn efforts to intimidate or interfere with the court's work, its officials, and those cooperating with the institution.

On April 24, [12 US senators wrote to Khan](#), threatening to end all US support to the ICC, sanction the institution and its officials, and bar the prosecutor and court staff from entering the United States if steps were taken to pursue warrants against Israeli officials. US congress members have also [introduced legislation](#) aimed at imposing sanctions on ICC officials. The speaker of the House of Representatives [has called on the Biden administration](#) to “immediately and unequivocally demand that the ICC stand down and the US should use every available tool to prevent such an abomination.”

Meanwhile, there have been [reports](#) that the Israeli government was seeking support from ICC member countries and other governments in opposing the Office of the Prosecutor's ongoing Palestine investigation. Israeli Prime Minister Benjamin Netanyahu has also [publicly denounced the ICC](#) and called on governments to thwart the court's efforts to scrutinize Israeli actions. In response to these attacks, the Prosecutor's Office [issued a statement](#) on May 3 noting the court's jurisdiction over offenses against the administration of justice and “insist[ing] that all attempts to impede, intimidate, or improperly influence its officials cease immediately.”

The presidency of the ICC's governing body, the Assembly of States Parties (ASP), [has called](#) for respect for the court's independence in the wake of these latest threats. This is not the first time the ICC has faced politicized opposition. As you know, the former US administration abused its sanctions regime against the prosecutor's predecessor in a bid to undermine or deter investigations that could implicate US or Israeli nationals. At the time, [67 member countries](#), the [ASP President](#), and [nongovernmental organizations](#) spoke out for the court. When the current US administration lifted the sanctions in 2021, Japan [welcomed the move](#). Similarly, following its issuance of an arrest warrant for Russian president Vladimir

Putin as part of the prosecutor's ongoing Ukraine investigation, in 2023, Russia [issued arrest warrants](#) against the Khan and six of the court's judges, including current ICC President Tomoko Akane. Russian lawmakers have also [enacted a law](#) criminalizing cooperation with the ICC. [Member countries, including Japan](#), and the [ASP presidency](#) publicly condemned these attacks against the court.

The ICC plays an essential role as a court of last resort to deliver justice to victims of the world's worst crimes. ICC members like Japan have a responsibility to protect the court's impartiality and independence across all situations on its docket.

We took note of the [statement](#) delivered by Japan and Switzerland on May 14, on behalf of ICC members on the UN Security Council, reiterating their commitment to uphold and defend the values of the Rome Statute, "undeterred by threats and measures against the Court, its officials, and those cooperating with it."

We urge Japan to make clear that the court's judges have full support in undertaking their independent examination of the prosecutor's applications for arrest warrants in the Palestine situation. We also look for your public support for arrest warrants the court may issue, commit to working to ensure the execution of such warrants, and press Palestinian and Israeli authorities to cooperate with the court.

Regrettably, many ICC members were initially silent on the importance of pursuing accountability and justice before the court for both Israeli and Palestinian victims, who have faced a wall of impunity for decades. This has led to perceptions of double standards, putting the ICC's legitimacy at risk. It is crucial that the ICC can investigate and prosecute grave international crimes across all situations under its jurisdiction.

Whether the ICC can meaningfully and effectively deliver on its mandate will largely depend on the will of the international community and ICC member countries like Japan to support impartial and independent justice no matter where the abuses are committed and by whom. We urge you to make clear that your government stands with those who seek justice for grave human rights crimes, not those who threaten and harass the prosecutors and judges who aim to bring those committed serious human rights abuses to justice.

Sincerely,

[2 Coordinating organizations]

Human Rights Watch
Human Rights Now

[32 organizations, Japanese Alphabetical order]

Women's Active Museum on War and Peace(WAM)
PEACE CELL PROJECT

Iraq War Inquiry Network
YWCA of Osaka
Openmind
Kansai Gaza Emergency Action
Kyoto Asia Africa Latin America solidarity comity
Kyoto YWCA
Japan Overseas Christian Medical Cooperative Service
Shiyzuoka YWCA
Japan Campaign to Ban Landmines
ayus:Network of Buddhists Volunteers on International Cooperation
Africa Japan Forum
Specified Non-Profit Organization Earth Tree
Japan Internatinoal Volunteer Center
Alternative People's Linkage in Japan
Piece of Syria
Nagoya YWCA
YWCA of Japan
Itabashi Peace Museum Campaign
Human Rights Watch
Human Rights Now
Asian Women for Equality
Network Against Japan Arms Trade
Wind of Citizens toward Uniting for Peace
Green Osaka
the Citizens' Network Opposing the Use of DU Weapons
BDS Tokyo
Kumamoto YWCA
Action For Stop Militarization
Space Allies