

ANNEX A

Public Annex



EMBASSY OF JAPAN
THE NETHERLANDS

Prosecutor Karim A. A. Khan QC
International Criminal Court
Oude Waalsdorperweg 10
2597 AK Den Haag
Netherlands

Den Haag, 9 March 2022

To the Prosecutor of the International Criminal Court,

Acting under article 13(a) and 14(1) of the Rome Statute of the International Criminal Court, I have the honour to notify you of the referral of the Situation in Ukraine as follows:

The Government of Japan,

Noting Ukraine's acceptance of the International Criminal Court's jurisdiction, pursuant to article 12(3), of the Rome Statute;

Noting the first declaration lodged by the Government of Ukraine that accepted the Court's jurisdiction with respect to alleged acts committed on the territory of Ukraine within the time period 21 November 2013 to 22 February 2014 as well as the second declaration that accepted the Court's jurisdiction with respect to alleged acts committed on the territory of Ukraine since 20 February 2014;

Noting that a State's acceptance of the International Criminal Court's jurisdiction by means of a declaration enables the Court, pursuant to article 12(2) of the Rome Statute, to exercise its jurisdiction over war crimes committed on that State's territory or by its nationals;

Considering the United Nations General Assembly Resolution adopted at the eleventh emergency special session on 2 March 2022, which condemns all violations of international humanitarian law, and calls upon all parties to respect strictly the relevant provisions of international humanitarian law, considering further the ever growing concern over war crimes despite the adoption of the resolution;

Emphasizing the needs to cooperate with each other and give assistance for the maintenance of international peace and security, and hoping to assist United Nations General Assembly's action taken in accordance with the Uniting for Peace procedure;

Desiring to give effect to the exercise of the Court's jurisdiction with respect to the Situation in Ukraine;

Acting pursuant to article 13(a) and article 14(1) of the Rome Statute;

Decides to refer the Situation in Ukraine to the Prosecutor of the International Criminal Court for the purpose of requesting the Prosecutor to investigate that Situation under which war crimes appear to have been committed on the territory of Ukraine, thereby requesting the Court to exercise its jurisdiction with respect to the jurisdictional scope accepted by Ukraine.

I avail myself of this opportunity to extend to you the assurance of my high consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'H. Kishimoto', with a stylized 'H' and a long, flowing surname.

Ambassador Extraordinary
and Plenipotentiary of Japan
to the Kingdom of the Netherlands