

Ratify Rome Treaty to resolve abduction issue

The government's efforts to settle the issue of abductions by the Democratic People's Republic of Korea (North Korea) have been lacking in one crucial respect—it has neglected a measure essential to solving the issue and preventing a recurrence.

In 1998, a convention to set up an International Criminal Court (ICC) was approved at a 148-nation diplomatic conference. An overwhelming majority, including Japan, voted for it. With 76 countries ratifying, the Rome Statute of the ICC (or Rome Treaty) took effect in last July. But Japan has not yet to ratify it despite the obvious importance to do so.

This treaty places genocide, crimes against humanity, war crimes and the crime of aggression in the category of "the most serious crimes of concerns to the international community as a whole." The treaty also gives the International Criminal Court the authority to conduct cross-border investigations about these crimes and bring to justice officials and individual perpetrators responsible for the crimes.

"Crimes against humanity" is a legal concept devised to prosecute the Nazis for brutalities against Jews and other civilians. For the first time, the Rome Treaty clearly and specifically defined such actions as crimes under a comprehensive multi-nation arrangement. These provisions have given the

I would like to call attention to the merit of ratifying the Rome Treaty as the way to fight against the grave human rights violations committed by Pyongyang.

treaty epochal significance in the history of human rights protection.

The treaty lists 11 specific crimes under the category of crimes against humanity. Among them is the crime of "enforced disappearance of persons," defined as: "the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a state or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time."

This is exactly what North Korea has been doing. Under the Rome Treaty, if something like this happens to citizens of a member nation, the International Criminal Court has the authority to prosecute the suspects and put them on trial, even if the suspects are from non-member states.

The treaty states that the court's jurisdiction is confined to crimes committed after the pact went into force. This might prompt an argument

that the abductions of Japanese citizens are outside the court's jurisdiction. But, judging from the second half of the above-mentioned provision defining the crime of enforced disappearance, I think the state machine of North Korea is continuing such crimes up to the present. The Japanese abductees are said to be several dozens in total, including the eight victims pronounced dead by Pyongyang. Informations about their whereabouts and also the safety of the victims are still in the hands of assailants.

The Human Rights Committee, set up in the International Covenant on Civil and Political Rights, also receives and considers the communications concerning human rights from governments and individuals in member states. While taking the stand that the committee's jurisdiction does not extend to crimes committed before the covenants took effect, it has consistently affirmed that it can address such crimes if human rights violations continue.

The first prerequisite to a resolu-

tion of the abduction issue is to clear up the facts. Next, all the abduction victims must be rescued. In addition, the perpetrators must duly be punished.

Accomplishing these goals through negotiations with North Korea will take a considerable time. What to do under these circumstances is obvious. Instead of confining itself to bilateral negotiations, Japan should promptly ratify the Rome Treaty. Then it would be able to mobilize the assistance of international law and international opinion to put pressure on Pyongyang.

The Japanese government recently asked the Human Rights Commission, set up in compliance with Article 68 of the U.N. Charter, to investigate the North Korean abductions of Japanese citizens. But it has no enforcement procedure to investigate the issues and to prosecute the suspects. While there is nothing wrong with the move, I would like to call attention to the merit of ratifying the Rome Treaty as the way to fight against the grave human rights violations committed by Pyongyang.

The author teaches the history of social thought at Sapporo Gakuin University as a professor emeritus. He contributed this comment to The Asahi Shimbun.

VOX POPULI, VOX DEI

Recession brings hard times to men of Sanya