Statement by the Government of Japan
Res�灙剘䋫፤陖瀎햮 
Draft article 5 refers to the prohibition on expelling, returning (refoulering),
surrendering or extraditing a person to another State where there are substantial grounds
for believing that he or she would be in danger of being subjected to a crime against
humanity. Japan notes with concern whether this is identical to or expands the scope of
the existing principle of non-refoulement, which prohibits a State from expelling or
returning a p@Ґԥ┥┥‰mՠ匀䀄逅┥┥┠　mՠ匀䀄逅┥┥┠　_瀅င怀@�ࢇ搀䤀刀n塣㠀n䀀䤀刀ஐԥ⁗鑰ՠtoஐԨ瀅　0eᡰհְ԰ën tr┠　rᓸ退蓠䬅▄⺿ᄯခ蔂唱ᔀretĸrninA　ऀࣶрl�tt؀ᑱ넀ᑒ塂怀♒剙ҰӀc
Punishment, as well as the International Convention for the Protection of All Persons
from Enforced Disappearance. Japan requests that this point should be clarified.
From a practical point of view, Japan believes that further discussion and
clarification are needed on how a government considering an expulsion, return, surrender
or extradition should apply the following requirements: “substantial grounds for believing
that he or she would be in danger of being subjected to a crime against humanity” in
another country, and “as part of a widespread or systematic attack directed against any
civilian population, with knowledge of the attack”.
Further, as stipulated in Article 102 of the Rome Statute, it is generally
understood that surrender means the delivering up of a person by a State to “the Court”
while extradition means the delivering up of a person by one State to “another State”.
Draft article 10 also makes such distinction. Japan considers that we would need to clarify
if it is appropriate to use the word “surrender” in draft article 5 even though the destination
is limited to “another State”.