

# European and Japanese Approaches to International Criminal Justice

WORKSHOP SERIES

March 7, 2024

IEE-ULB - 39, Avenue F. Roosevelt B-1050 Brussels, Belgium

















# **IEE-Waseda Workshop**

Centre de Droit Européen (IEE-ULB) & Waseda Law School



07 MARCH 2024



# **Japanese and European Approaches** to International Criminal Justice











International criminal justice is an active field of international cooperation. States actively negotiate, conclude, and implement international agreements to facilitate the prosecution of international core crimes by specialized tribunals and courts, such as the International Criminal Court. Concomitantly, States also intensely cooperated to combat transnational serious crimes, especially those committed by organized criminal groups.

European countries and Japan have been particularly engaged in these international initiatives. Since the early 1990s, the EU has emerged as a key actor, often in concert with either regional or global initiatives, as well as in support of bilateral partnerships with non-EU countries. Japan is also a driving force behind international efforts to ensure accountability. It is for example not only party to the Rome Statute, but also the highest single contributor to the ICC. It is also one of the few countries that agreed to conclude a bilateral treaty on mutual legal assistance with the EU, opening doors for closer cooperation in criminal matters. If Europeans and Japanese have been particularly engaged, they have nonetheless maintained distinct approaches.





























# **European and Japanese Approaches to International Criminal Justice**

The two roundtables are based on a book project that seeks to offer a new perspective on European and Japanese approaches to international criminal justice. Contributors are invited to conduct a transversal analysis examining the respective positions of the EU and Japan towards international criminal justice, and how the two partners build on their existing collaboration to promote international criminal justice. Exchanges are to help pinpoint similarities and/or divergences in the respective approaches. Singularly, all contributions are jointly written by EU- and Japan-based scholars thus combining their expertise.

### EVENT PROGRAM- DAY 4 - THURSDAY MARCH 7, 2024

Venue: Institute for European Studies-ULB Avenue Franklin D. Roosevelt 39 1050, Brussels (BELGIUM)

08:30 - 09:00 **Welcome Coffee** 

09:00 - 09:30 Introductory Session

Chair TBC

Furuya Shuichi (Waseda),

Anne Weyembergh & Chloé Brière (IEE-ULB)

General Introduction

Irene Wieczorek (Durham University) - online & Dimitri Vanoverbeke (University of Tokyo) - online

Influence of memory in shaping the approaches to international criminal justice





















# **European and Japanese Approaches to International Criminal Justice**

EVENT PROGRAM- DAY 4 - THURSDAY MARCH 7, 2024

09:30-11:00 Session 1 @ Kant Room

**Comparative and Collaborative Approaches** 

to Serious and Organized Crimes - Part I

**Chair** Anne Weyembergh (IEE-ULB)

Kodai Hashimoto (Nanzan University) - online

& Anthony Rizzo (CDE-ULB)

Japanese and EU definitions of, and policies on organized

crime

Shinya Onogami (Toyo University) - online

& Julia Burchett (CDE-ULB)

Japanese and EU definitions of, and policies on terrorism

Yoshisuke Ito (Hiroshima Shudo University) - TBC

& Chloé Brière (IEE-ULB)

Japanese and EU definitions of, and policies on corruption

Mona Giacometti (UCLouvain)

Japanese and EU definitions of, and policies on cybercrime

11:00-11:15 **Coffee Break** 



























# **European and Japanese Approaches to International Criminal Justice**

EVENT PROGRAM- DAY 4 - THURSDAY MARCH 7, 2024

11:15-12:45 Session 2 @ Kant Room

**Comparative and Collaborative Approaches to Serious and Organized Crimes** - Part II

Chair Chloé Brière (IEE-ULB)

Kazuaki Shintani (Japan Coast Guard Academy) - online

Japanese and EU definitions of, and policies on money laundering

Masami Okaue (Aoyamagakuin University) & Anne Weyembergh (IEE-ULB)

Japanese and EU definitions of, and policies on smuggling and trafficking in human beings

Wilhelm Vosse (International Christian University)

Japanese and EU definitions of, and policies on hate crimes

Shin Matsuzawa (Waseda University) - online & Ricardo Perreira (Cardiff University)

Japanese and EU definitions of, and policies on environmental crimes

12:45-13:45 **Lunch Break** 





















# **European and Japanese Approaches to International Criminal Justice**

EVENT PROGRAM- DAY 4 - THURSDAY MARCH 7, 2024

13:45 - 15:15 Session 3 @ Kant Room

**Comparative and Collaborative Approaches** 

to International Core Crimes - Part II

**Chair** Shuichi Furuya (Waseda)

Araceli Turmo (Université de Nantes)

& Megumi Ochi (Ritsumeikan University) - online

Japanese and EU approaches to the limits of prosection

Robert Roth (Université de Genève)

Japanese and EU approaches to the ICC

Yurika Ishii (National Defense Academy of Japan) - online & Vaios Koutroulis (CDI-ULB)

Japanese and EU definitions of, and policies on crimes of aggression

Laure Baudrihaye-Gérard (CDI-ULB) - TBC & Hiromi Sato (National Defense Academy)

Japanese and EU approaches to the rights of suspects and accused persons

15:15 - 15:30 **Coffee Break** 



























# **European and Japanese Approaches to International Criminal Justice**

EVENT PROGRAM- DAY 4 - THURSDAY MARCH 7, 2024

15:30 - 16:30 Session 4 @ Kant Room

**Comparative and Collaborative Approaches** 

to International Core Crimes - Part II

**Chair** Shuichi Furuya (Waseda)

**Adam Lazowski (University of Westminster)** 

Japanese and EU approaches to the the rights of victims of

international crimes

Nicole Visco Comandini (University of Luxembourg) - online

& Mari Takeuchi (Kobe University)

Japanese and EU approaches to the exercise of jurisdiction

for crimes committed extraterritorially

**16:30 - 17:00 Workshop conclusions** 

Furuya Shuichi (Waseda),

Anne Weyembergh & Chloé Brière (IEE-ULB)





















#### Academic Coordinators

Chloé Brière is a professor of EU law at the Centre for European Law and an affiliated member of the IEE (Université libre de Bruxelles). Since 2019, she has been holding the chair in European law, teaching, researching, and supervising students in the Faculty of Law and Criminology. She is an active member of the Centre de Droit Européen (CDE), which she was the director of till September 2023 when she became director of the Institut d'études européennes (IEE). Her doctoral research focused on the European legal framework concerning the fight against Trafficking in Human Beings and its promotion outside the European Union's borders. Her research interests include other aspects of European Union Law, such as EU Criminal Law, EU external relations law, EU migration law, and the free movement of persons.





**Furuya Shuichi** is a professor of international law at Waseda Law School, Tokyo. He was a member of the UN Human Rights Committee (2019-2022, Vice-Chair 2021-2022), a member of the International Humanitarian Fact-Finding Commission (2012-2021, Vice-President 2015-16), Co-Rapporteur of the ILA Committee on Reparation for Victims of Armed Conflict (2004-2014), and the editor-in-chief of Journal of International Law and Diplomacy (2014-2016).

**Anne Weyembergh** graduated in Law (ULB, 1993 – 1st Class Honours). She holds a Masters Degree in Public and Administrative Law (ULB, 1994 – 1st Class Honours) and a Masters Degree in International Law (ULB, 1995 – 1st Class Honours). She has completed a PhD in Law at the ULB (2003 – Alice Seghers Price).

She is a full time Professor at the ULB (Faculty of Law and Institute for European Studies). Together with Serge de Biolley, she founded the European Criminal Law Academic Network (ECLAN) in 2004. She has been co-coordinating the Network (with Valsamis Mitsilegas and Katalin Ligeti) since then.

She is presently the Vice-rector of the ULB charged with external relatins. Previously, sas been President of the Institute for European Studies of the ULB since October 2014. In addition, she is the coordinator of the team on European criminal law (Centre for European Law). Professor Weyembergh has been the Chief Editor of the New Journal of European Criminal Law (with Paul De Hert, Valsamis Mitsilegas, Scott Crosby and Holger Matt) since May 2014. She has also been General Editor of the EU Criminal Law series of Hart Publishing (with Valsamis Mitsilegas and Katalin Ligeti) since 2014 and Member of the Comité de rédaction des Cahiers de droit européen.































# Organising Commitee

Jean-Louis Moortgat is, since 2017, Director of the Waseda University Brussels Office for Europe. Since 2008, he is also International Senior Officer in charge of ULB's relations with Asia. In this capacity, he was project director for the EuropeAid project: "Promoting appropriate technologies for small-scale farmers to increase food security for indigenous populations in Cambodia and Laos" (2013 - 2015). Prior to this, Jean-Louis Moortgat was successively: ULB - Deputy Secretary General (1990-1998); Budget Advisor to the Minister of Culture and Continuing Education, French-speaking Community of Belgium (1998-1999); Responsible for evaluating the quality of university education for the Council of Rectors, French-speaking Community of Belgium - CReF (1999-2002); Advisor to the Cabinet of the Government Delegate to the ULB (French-speaking Community of Belgium) (2002-2003); Administrative and Financial Director of the Museum of Contemporary Art (MAC's) of the French-speaking Community of Belgium (2003-2008).





Frederik Ponjaert is a researcher at the Institute for European Studies at Université libre de Bruxelles (ULB) and Assistant Lecturer in Comparative Regionalism at SciencesPo (IEP-Paris). His research is on comparative regionalism, with an emphasis on European and Asian realities. He equally works on EU external action and interregional partnerships, again with a specific focus on Euro-Asian dynamics. More recently, both of these research strands have focussed on the developing EU-Japan relationship in light of the recently signed Economic Partnership and Strategic Partnership Agreements. His teaching covers topics such as "comparative regionalism", "EU external action" and "EU-East Asian Relations" as well as "Japanese Foreign Policy. At the ULB, he is a member of both the Institut d'Études Européennes (IEE) and the East Asian Studies Center (EASt). He is also the scientific coordinator of the GEM Ph.D. School on "Globalisation, the European Union and Multilateralism". He is also co-editor of two Routledge book series: the GEM series on 'Globalisation, Europe and Multilateralism' and the CES series on "Contemporary Asian Societies".

























Laure Baudrihaye-Gérard is Legal Director (Europe) for Fair Trials, the criminal justice watchdog, Laure leads Fair Trials' legal and policy work in Europe and the organisation's engagement with European regional authorities. She also leads on projects and strategic litigation in regional and domestic courts. Laure studied English and French law (at King's College London and the Universite de Paris I, Pantheon-Sorbonne) and EU law at the College of Europe (Bruges). Laure qualified as a Solicitor in England & Wales in 2006 and represented and advised clients in relation to competition law investigations and other EU law-related disputes (in both London and Brussels). Laure then qualified as a criminologist (Universite Libre de Bruxelles, 2016) and published research on the Belgian criminal justice system. Since 2019, Laure actively participates in volunteer monitoring activities in a Brussels prison (including since 2020 as President of the Commission des plaintes of the prison of Saint-Gilles, a newly established jurisdiction in Belgian prisons to hear the appeals of detainees against decisions of the prison administration)



Julia Burchett holds a Master's degree in International and European Legal Careers from the University of Grenoble-Alpes (2015, 1st Class Honours). During her last year of Master, she represented her university at the René Cassin European Moot Court Competition as a semi-finalist. Since 2017, she undertook doctoral studies under the joint supervision of the Université libre de Bruxelles and the Université Grenoble-Alpes, where she holds a PhD contract. Her research is supervised by Professor Anne Weyembergh (CDE-ULB) and Constance Chevallier-Govers, Senior Lecturer in European Law (CESICE-UGA). During the 2016/2017 academic year, she was a teaching assistant in European Union law studies, concurrently with a post of assistant of justice at the service of the prosecutor's office of the Tribunal de Grande Instance of Valence (France), held from October 2016 until January 2018.



Mona Giacometti has been an assistant at CRID&P at the UCLouvan since 2011. She provides practical exercises in criminal law and criminal procedure to second-year law students. In 2015, she began a doctoral thesis which she defended on July 3, 2020. This focuses on the cross-border collection of electronic evidence in the European context. It envisages the construction of a model in the light of a new conception of state sovereignty. In addition to her doctoral research, Mona Giacometti regularly writes articles and contributions on subjects relating to criminal procedure and criminal law. In addition to her research activities, Mona is also a lawyer at the Brussels Bar, which allows her to practice these matters daily as she assists a wide range of litigants.



**Kodai Hashimoto** is currently an associate professor in the Department of Law of Nanzan University's Faculty of Law. He graduated from the Department of Law in the Faculty of Law at Keio University. He completed both the master's program and the doctoral program at the Graduate School of Law, of Keio University. His research focuses on British criminal law as a subject of comparative law, and within the broad framework of criminal regulation to combat transnational organized crime. He has in particular been interested in researching issues related to early punishment and regulation of criminal proceeds, in particular.

#### Votre texte de paragraphe































Yurika Ishii is an Associate Professor at the National Defense Academy of Japan. She achieved Ph.D from the University of Tokyo, Graduate Schools for Laws and Politics with a thesis on international regulation of economic crimes, which was published as International Regulation of Transnational Crimes (Yuhikaku, 2017; Japanese; Awarded the 51st Adachi Mineichiro Award). Her latest work includes Japanese Maritime Security and Law of the Sea (Brill, 2022; Awarded the 39th Ohira Masayoshi Memorial Award). She stayed at Max Planck Institute for Comparative Public Law and International Law (Heidelberg, Germany, 2008, 2010), Max Planck Institute for Foreign and International Criminal Law (Freiburg, Germany, 2011) and Harvard Law School (Cambridge, the United States, with Fulbright Scholarship, 2014-15) as a guest researcher.



Yoshisuke Ito is an associate professor at the Faculty of Law of Hiroshima Shudo University. He from graduated from the doctoral program at the Department of Public Law of the School of Law at Waseda University. His field of specialization is criminal law and his major research themes are the Theory of complicity, crimes of conspiracy, as well as Al/robots, and law.



Having studied law at the University of Athens (LLB) and the ULB (LLM), **Vaios Koutroulis** received his PhD in 2011 for a thesis on the relations between jus contra bellum and jus in bello. He is currently a professor of public international law at the Faculty of Law of the Université libre de Bruxelles (ULB). His courses include the law of armed conflict, international criminal law, public international law, and international environmental law. His publications focus mainly on jus in bello and jus contra bellum and include a monograph on belligerent occupation published by Pedone editions (Paris) in 2010. Vaios Koutroulis was an adviser to the Counsel and Advocate of Belgium in the case concerning Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal) before the International Court of Justice.



**Adam Lazowski** s a Professor of EU law at the Westminster Law School, University of Westminster. His research focuses on EU pre-accession policy, EU External Relations, Internal Market, EU Criminal Law as well as withdrawal from the European Union. On the latter topic Prof. Łazowski has published extensively in academic journals (European Law Review, Public Law, Journal of European Public Policy) and edited volumes (Oxford University Press and Cambridge University Press).























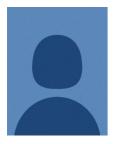




Shin Matsuzawa is Professor of Criminal Law at the School of Law, Waaseda University, Tokyo, Japan. He is also member of the Board of Directors of the Japanese Society of Criminal Law. his main research interests are in the methodology of criminal law and the comparative law of scandinavian and Japanese criminal law. He has recently expanded his research interests to include the basic theories of criminal law and has conducted significant research in the areas of criminalisation and punishment theory. Most of his work has been published in Japanese, but he has also recently published articles and books in English. His most notable work is a coedited volume, Methodology of Criminal Law Theory (Nomos/Hart 2021), based on his keynote lecture at an international symposium. Matsuzawa has presented at the American Society of Criminology and the International Society for the Studyof Law and Society, and has given many lectures at universities in Asie (China) and Europe (Scandinavian countries and Germany).



Megumi Ochi is Associate Professor, Ritsumeikan University, Japan. She is a Member of the Young Penalist Committee of the International Association of Penal Law (AIDP) from 2014 to 2019. She obtained her LL.M. at Leiden University (the Netherlands) and PhD in Law at Osaka University (Japan) and was Assistant Professor at the Kyoto University (Hakubi Center). She is involved in many international criminal justice activities. She is a Senior Fellow of Case Matrix Network (CMN) and she has interned at the Pre-Trial Chamber of the International Criminal Court (ICC) from April to September 2012. She wrote many articles on international criminal law, including the issues of concept of international criminal procedure, general principles of international criminal law, ne bis in idem principle, amnesty, extradition, and reparation.



**Masami Okaue** is Professor in the Department of Law of Aoyama Gakuin University's Faculty of Law. Professor Okaue graduated from from the doctoral program at the School of Law at Waseda University.



**Shinya Onogami** is Professor of Criminal Law at Toyo University Faculty of Law, Tokyo, Japan since 2023. He obtained PhD in Law at Waseda University (Japan). His main research interests are in accomplice theory. As to international criminal law, he has published article "An Overview of Prerequisite of Accessory to the Principal in International Criminal Law" (2019) (in Japanese). He has recently expanded his research interests to economic criminal law, and published several articles (in Japanese) about the field.































Ricardo Perreira .Dr Ricardo Pereira is a Reader (Associate Professor) in Law at Cardiff University, Law & Politics School, United Kingdom. Prior to joining Cardiff University he held positions in a number of other UK academic institutions, including Senior Lecturer in Law at the University of Westminster, Business School (2013-2015) and Lecturer in Environmental and Energy Law at Imperial College London, Centre for Environmental Policy (2009-2012). He has held visiting or associate teaching positions in a number of academic institutions, including Queen Mary, University of London (2010-2014), University College London (UCL) (2012), Imperial College London (2014 – present) and the University of London, international postgraduate programme (2013-2020). He currently acts as the External Examiner for the Global Environmental Change and Policy programme, Imperial College London.

He joined the Asia-Pacific Centre for Environmental Law at the NUS Law School in January 2021 as Adjunct Research Associate Professor where he has engaged in a number of the Centre's projects in the field of environmental law and governance. His research interests lie primarily in environmental law, energy law and natural resources law, environmental crime and law enforcement, and specific areas of public international law including human rights law, transnational criminal law, international economic law and the law of the sea. He has published widely in these fields, including in leading peer-reviewed journals such as the Netherlands Quarterly of Human Rights, the Criminal Law Forum, the Melbourne Journal of International Law and the Review of European, Comparative and International Environmental Law. He holds a Ph.D. in Law (University of Essex), an LL.M. in Public International Law (City, University of London) an LL.M. in International Business Law (Queen Mary, University of London) and an LL.B. in Law (Federal University, Ufba).



Anthony Rizzo holds a Masters in law obtained from the ULB with a major distinction (2011) and a PhD (2020). During his academic studies, he was awarded two prestigious prizes: the Paul Foriers Prize and the René Marcq Prize. The first rewards students for having obtained their Bachelors in Law with at least a major distinction whilst keeping the best balance between legal classes and non-law classes. He successfully defended his PhD thesis (supervisor: Anne Weyembergh) in December 2020. He has been an assistant at the Faculty of Law of the ULB (methodology for research and drafting in criminal law) for several years and is now the substitute teacher for the class 'Droit pénal spécial approfondi'. He has also been registered with the Ordre des Avocats du Barreau de Bruxelles since November 2014 and as an associate in the Akalex law firm.



Hiromi Sato iHiromi SATO is Professor, Department of International Relations, National Defense Academy of Japan since 2015. She obtained her Ph.D. (International Law) at the School of Legal and Political Studies, University of Tokyo in 2008 (1998, M. Litt. (International Law), University of Cambridge; 1994, LLM, School of Legal and Political Studies, University of Tokyo; 1992 B. A., Tokyo University of Foreign Studies) Selected publication includes: Multilayered Structures of International Criminal Law (Springer Nature Switzerland AG, 2021); "The Separate Crime of Conspiracy and Core Crimes in International Criminal Law", 32 Connecticut Journal of International Law 73-112 (2016); "Modes of International Criminal Justice and General Principles of Criminal Responsibility", 4 Göttingen Journal of International Law 765-807 (2012); The Execution of Illegal Orders and International Criminal Responsibility (Springer-Verlag, 2011).

























**Kazuaki Shintani** has been with the Japan Coast Guard Academy since 2011, where he has been a full professor since 2023. He graduated from the Waseda University Graduate School of Law Doctoral PhD Course in 2008. Before joining the Japan Coast Guard Academy, he occupied various research positions at the Institute for Maritime Law at Waseda University, the Max-Planck-Institute for Foreign and International Criminal Law in Freiburg (Germany), and the Center of Socio-Medical Study at Hiroshima University.



Mari Takeuchi is a Professor of International Law at Kobe University, Graduate School of Law (Japan), where she has been a faculty member since 2017. She holds degrees from Kyoto University (LLB, LLM) and the University of Glasgow (PhD). Her doctoral research examined the modalities of the exercise of universal jurisdiction in international law. Her primary research interests focus on the jurisdiction of States, with a particular emphasis on issues related to extraterritoriality in various fields of law, including international criminal law, corruption, sanction law, and data protection.



Araceli Turmo is associate professor in EU law at the University of Nantes and holds a PhD from the University of Paris Panthéon-Assas. Her main areas of interest are EU procedural law, European criminal law, EU citizenship and fundamental rights law. Her latest publications include Res Judicata in European Union Law. A Multi-Faceted Principle in a Multilevel Legal System (EU Law Live Press, 2023); and 'On the Inadequacies of the CISA Rules on Ne Bis in Idem for the Construction of a European Criminal Area: MR and Generalstaatsanwaltschaft Bamberg', CMLRev. vol. 61 issue 2 (2024).



**Nicole Visco Comandini** joined the Department of Law of the University of Luxembourg in January 2024. She is a Research & Development Specialist in Criminal Law and Artificial Intelligence under the supervision of Professor Katalin Ligeti. Her main research area is European Criminal Law, with a specific interest in EU cross-border criminal proceedings and the protection of fundamental rights. She graduated in Law from LUISS University (5-year single-cycle Degree in Law) with honors in 2023 and completed an LLM in European Criminal Justice from Utrecht University with distinction in the same year. During her studies, she gained some experience in national law firms in Rome and later as an intern at the Meijers Committee in Amsterdam, where she focused on EU Justice and Home Affairs.































Wilhelm Vosse is Professor of Political Science and International Relations at the International Christian University (ICU) in Tokyo, Japan, where he also serves as Chair of the Department of Politics and International Studies (2021-). He formerly also held the position of Director of the Social Science Research Institute (SSRI). Wilhelm held visiting research positions at Harvard University, the University of Oxford, and The University of Warwick. His research interests include Japanese foreign and security policy, EU-Japan security relations, cybersecurity, and cyber diplomacy. Research projects deal with Japan's new security partnerships and European and Japanese cyber diplomacy. Since 2020, he is the academic coordinator and ICU lead on an ERASMUS+ Jean Monnet Network on European Cyberdiplomacy, funded by the European Commission (2020 - 2023). Recent books include "Governing Insecurity in Japan. The Domestic Discourse and Policy Response" (Routledge, 2014), "Japan's New Security Partnerships" (Manchester University Press, 2018) and "New Directions in Japan's Security: Non-U.S. Centric Evolution" (Routledge, 2020).



Irene Wieczorek is an Associate Professor in European Union Law at Durham Law School, having joined in October 2019 as an Assistant Professor. She is also affiliated with the <u>Durham European Law Institute</u>, having previously served as co-director (2019-2021) and with the Global Policy Institute. During her time at Durham Irene has been Co-Director of Equality Diversity and Inclusion and decolonisation contact point for Durham Law School. In this framework, she has received funding from the Faculty of Health and Social Science to carry out a research project, with the support of student interns on "EU Law, Decolonisation and Brexit". From September 2023 until August 2025, she will be working as a PI on an AHRC-funded project titled "Brexit's impact on transfers of prisoners: A shift in the balance between criminal policy objectives and individuals' rights?" Irene is a fellow of the Royal Society for Arts and Science, a member of the European Criminal Law Academic Network, and an Associated, and Managing Editor to the New Journal of European Criminal Law, one of the leading publications in this field. Before coming to Durham, she was a post-doctoral research associate at the University of Cambridge, and at the Université Libre de Bruxelles, sponsored by the Wiener Anspach Foundation (2016-2019). In 2014 she was the recipient of the European University Institute - Academy of European Law Diploma. Irene holds a Ph.D. from the Université Libre de Bruxelles and the Vrije Universiteit Brussels, an M.A. in European Interdisciplinary Studies from the College of Europe (PO), an LLM from the University of Trento (IT), and from the University of Maastricht (NL), and an LLB from the University of Trento (IT) and from the Université Paris 13 (FR).

























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