

STATEMENT OF THE PHILIPPINES

General Debate of the 15th Assembly of States Parties to the Rome Statute of the International Criminal Court

World Forum, The Hague, Netherlands

17 November 2016

Mr President, your excellencies, colleagues:

The Philippines joins previous speakers in reaffirming our commitment to fight impunity, to ensure that perpetrators account for mass atrocities, and to delivering criminal justice. Without justice, the goals of lasting peace and security would not be attainable. Without peace, our accomplishment of the 2030 Agenda for Sustainable Development will be compromised.

From the traditional notion of state responsibility, international criminal law has evolved to individual criminal responsibility for violations of norms of international law. This is the legacy of Nuremburg, after the Second World War, when it was decided that "crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced."

Over seventy years since the United Nations was founded in San Francisco, the prayer of our forebears remains a beacon of hope and commitment – to save us, and those after us, from the scourge of war which twice in their lifetime brought untold sorrow to all humanity.

The UN is critical to the administration of the rule of law, as contrasted to the rule of law in international tribunals. In international criminal justice, the UN recognized the clamor for a permanent international criminal court, culminating in the diplomatic conference leading to the adoption of the Rome Statute in 1998, its entry into force in 2002, and the election of the first bench of judges in 2003. International tribunals uphold the highest ideals of democracy, such as justice and security, and serve as a repository of historical record of world events. The narratives and the jurisprudence produced by international criminal tribunals, are essential to the world order.

With the adoption of the Philippines' legislation on international humanitarian law in 2010, we became a State Party to the Rome Statute.

The Philippines welcomes El Salvador as our latest State Party. But at the same time, we are very concerned about the decision of some States Parties to withdraw from the Rome Statute. Indeed, we are at the crossroads.

We would have hoped that full, sincere and candid dialogue and consultations to address allegations of inequality and unfairness – in the spirit of genuine understanding – took place *a priori*.

Mr President, let us be clear – no one is above the law. The Philippines joins previous speakers in upholding and defending the integrity of the Rome Statute. We support the very challenging work of the Court. It is in this context that we believe that the Prosecutor's statement of 14 October 2016 on the situation in the Philippines, to be well-intentioned but premature.

Without passing upon how that statement may have somehow chilled the interest of our neighboring countries in joining the Rome Statute, allow us to help clear the air.

Mr President, the Philippines is a democratic, multi-racial, multi-ethnic, multi-cultural and multi-religious society. We do not discriminate on the basis of gender. We are strongly committed to upholding the rule of law, human rights, and due process for all persons. We do not, nor any of our officials, condone or encourage extrajudicial killings in any form, by anyone.

Under the rule of law, the conduct of legitimate police operations against drug offenders who have posed a serious menace to the order of society, does not qualify as mass slaughter or acts against humanity.

As part of the Philippines' adherence to its Constitution, laws and human rights traditions, investigations are ongoing to resolve the killings that arise out of, or connected to, the war on drugs, a transnational crime. As a State Party to the Rome Statute, the Philippines is always ready to provide information to dispel concerns that there is a "widespread or systematic attack against the (Filipino) civilian population pursuant to a State policy to commit such an attack."

Mr President, a word on complementarity. The Court, is a court of last resort. As a State Party, the Philippines has a responsibility and a right to prosecute Rome Statute crimes. We have a functioning criminal justice system, willing and able to prosecute these crimes.

Please give us a chance to make complementarity work, to make it a reality in our domestic jurisdiction. Let us help one another. States Parties or not, we should protect human rights and build domestic capacities, including through human resource development-related assistance like the training of judges, prosecutors, the police and the military.

In closing, Mr President, we await further instructions from the President of the Philippines, on the matter of our future relationship with the Court. Meanwhile, the Philippines fervently hopes for the faithful implementation of the system of the Rome Statute.

Thank you all for your kind attention.