



STATEMENT OF THE PHILIPPINES

Delivered by Assistant Secretary for Legal Affairs

The Honorable Mr. J. Eduardo Malaya

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Mr. Chairperson,

My delegation would like to thank our incoming president, Judge O-Gon Kwon, together with Messieurs Francois Molins, Xavier-Jean Keita and Bill Pace for their thoughts on the future of cooperation with the International Criminal Court.

The Philippines shares the view that cooperation is the cornerstone of an effective and efficient Court.

We affirm our commitment, in fact our treaty obligation under the Rome Statute to extend full and genuine cooperation in the Court's judicial and prosecutorial functions. This commitment is, indeed, a reflection of the Philippines' advocacy for a rules-based international order as a key element of its independent foreign policy.

For us, this commitment is also borne out of our own experiences with cooperation, in both benefitting from the cooperation of other States in the recovery of forfeited assets in foreign jurisdictions, as well as in extending assistance to other States that need such assistance to facilitate their domestic proceedings.

In our efforts to go after transnational crimes, such as terrorism, the Philippines' Human Security Act of 2007 (Republic Act No. 9372) is complemented by the Anti-Money Laundering Law (Republic No. 10167) and the Anti-Terrorist Financing Law (Republic Act No. 10168). The Anti-Money Laundering Council, in cooperation with the UN Office of Drugs and Crime, has conducted trainings

for policymakers, prosecutors, law enforcement and intelligence authorities on countering the financing of terrorism. We have also extended legal assistance to other foreign governments within the framework of the U.N. Convention Against Corruption. Thus, we support the measures to enhance cooperation on financial investigations to address the challenges of asset recovery that were considered in the first panel.

On the broader question of cooperation, we appreciate this as not only part of ensuring support to the Court, but also as a key component of positive complementarity. That is, because the Court has only complementary jurisdiction over covered crimes, still the key to ending impunity for the most serious of international crimes lies with national legal and judicial systems. Thus, cooperation with the Court must be viewed not simply as a one-way street but as a mutually beneficial mechanism for collaboration and assistance between concerned States and the ICC.

For this reason, we would urge that the Assembly adopt measures to also strengthen consultations as a mechanism for cooperation between the Court or the OTP and concerned States in all phases of proceedings within the framework of the Rome Statute. In this regard, consultations, whether formal or informal, must be geared towards assisting not only the Court, but also national authorities should there be parallel domestic proceedings underway. Consultations should also facilitate mutual exchange of information and cooperation between national authorities and the Court or the OTP, consistent with a practical application of Article 93 (10) of the Statute, under which the Court can share information with national courts.

Salamat po.

Thank you, Mr. Chairperson.