

REVIEW CONFERENCE OF THE ROME STATUTE  
OF THE INTERNATIONAL CRIMINAL COURT  
Kampala, Uganda  
1 June 2010

STATEMENT OF THE PHILIPPINE OBSERVER DELEGATION

Mr. President:

Please allow me and my delegation to thank you for giving us the chance to speak at this Conference as Observers. With your able leadership, we have no doubt that this Conference will be a resounding success.

We take this opportunity to thank the Government and people of Uganda for the excellent arrangements and hospitality extended to us in the beautiful capital city of Kampala. We also wish to express our gratitude to the Secretariat and all persons involved in the preparations and management of the Conference. You are the backbone in its administration.

The Philippine delegation joins this important Conference with a deep appreciation of the significant role the International Criminal Court and its processes have in advancing the rule of law in the international community.

From the outset, the Government of the Republic of the Philippines has strongly supported the establishment of a permanent judicial body that would have jurisdiction over the most heinous and egregious crimes. The Philippines actively participated in the 1998 Rome Conference and in the Preparatory Commissions to ensure that a fair body for the prosecution of these categories of international crimes would be established. Our active support for the Rome Statute is anchored on the policy enshrined in the Philippine Constitution valuing the dignity of every human person and guaranteeing full respect for human rights. Thus, the Philippines signed the Statute in 2000.

Even as the Philippines continues to study the matter and consider completion of internal requirements for accession, the Philippines has remained committed to its obligations under international humanitarian law and human rights law, and their continued advancements.

The Philippines has lived up to its obligations as state party to the *1949 Geneva Conventions and its Protocol I*, the *1948 Genocide Convention*, the *1968 Convention on*

*Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and the 1984 Convention Against Torture and its 1992 Amendment. Since 2000, the country acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.*

The security sector also made compliance a priority with the creation of the Armed Forces of the Philippines – Human Rights Office (AFP-HRO) and the Philippine National Police – Human Rights Affairs Office (PNP-HRAO). These offices have conducted advocacy and training, investigation and research, monitoring and linking with the Philippine Commission on Human Rights (CHR), an independent constitutional body tasked with the protection of human rights in the Philippines. They have likewise integrated policies and regulations in support of human rights and international humanitarian law and made them an integral part of the country’s legal system, and as standard operating procedures of Philippine security and Armed Forces.

Most significantly, last December 2009, President Gloria Macapagal-Arroyo signed into law *The Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity* (Republic Act No. 9851). The crimes provided for in the law’s Chapter III are adopted from and are essentially the same as those provided for in Articles 5, 6, 7, and 8 of the Rome Statute.

This legislation, which the Philippine Congress worked on in partnership with civil society groups, has been hailed as “breakthrough law for human rights enforcement in the Philippines” by independent observers.

Moving forward, the Philippine government has been undertaking continued internal consultations on the matter of ratification with all sectors and stakeholders.

The Philippine government is thus pleased to have re-engaged once more on this important matter with our distinguished colleagues in the Assembly of State Parties.

Mr. President, in this regard, the Philippines supports the retention of Article 124 of the Rome Statute, and would, in most likelihood, invoke the seven-year transition period allowed under said article if and when it ratifies the Statute. This transition period is crucial in putting into place the necessary internal legal and administrative adjustments in the Philippine system once there is a decision to ratify the Statute. Retaining this transition

period as an option for new members also ensures that the Statute will remain attractive to the significant number of countries that are not yet part of the ICC processes.

In addition, Mr. President, the Philippine government has been engaged in peace negotiations with insurgent groups in our country. In keeping with the constitutional mandate of maintaining peace and order for the enjoyment of the people of the blessings of democracy, the Philippines has given emphasis on the primacy of the peace process. This is borne from a realization that sustained development for our people can only be possible if there is stability, unity and peace.

We are also aware that prosecution of and making accountable those who have committed the worst of atrocities may only have meaning if accompanied by peace, reconciliation and healing. This Conference may therefore wish to consider giving needed attention to and raising capacities in the area of peace-making and reconciliation, including re-examination as to when the grant of amnesty may be proper, particularly as part of a peace agreement. Indeed, the conviction of a perpetrator will bring justice to the victims and end impunity, but it will not necessarily usher peace and stability to conflict-affected areas.

The Philippine delegation recognizes the importance of the task we are undertaking at this Review Conference, and commend our colleagues from the other delegations for the many important contributions they have made.

Finally, it wishes to note that the Filipino people, like many in this conference room, know fully well and have experienced the horrors of war first-hand as we lost hundreds of thousands of lives during the Second World War. In 1945, military commissions were held in Manila and Los Baños for war crimes committed by enemy forces against huge numbers of civilians and prisoners of war in the Philippines and Singapore. A significant ruling from these trials established the principle of command responsibility for war crimes, known as the Yamashita Standard, which is now a cornerstone of international criminal law. This signal contribution to the early growth of the field of international criminal law and the series of pro-active measures the Philippines has undertaken to date prompted us to remain engaged on this important subject.

Thank you and *Mabuhay*.