

The Hague  
20 November 2015

## **Breakthrough in Asia-Pacific for Effective Prosecution**

Mabuhay! Excellencies, Ladies and Gentlemen, greetings from the Philippine Coalition for the International Criminal Court.

Since the Philippines passed what we call the *Philippine International Humanitarian Law* in December 2009 and ratified the Rome Statute of the International Criminal Court (ICC) in August 2011, civil society celebrated these victories and proceeded to implementation work and fulfilling the tasks of a state party through a nationally agreed upon program. [The PCICC has been working with academia and government agencies on amending the national IHL Law to be further aligned with the Rome Statute and on a draft Cooperation Law. Furthermore, it is engaged in civil society oversight work on the HR-IHL commitments of the security sector. PCICC is encouraged by the process supported by the Coalition on dialogues with the Armed Forces of the Philippines that has resulted in their welcoming a review led by PCICC of the Laws of War that are used in their internal justice mechanism.]

But it is in the area of prosecution of crimes that will be the testament of how justice has consolidated, of whether this notion of 'positive complementarity' is taking root. IHL cases have been filed in the Philippines but prosecutions of such remain very low. Meanwhile in this year alone, there have been major clashes starting with what has been called the *Mamasapano Misencounter* between an elite police force and the *Moro Islamic Liberation Front*, which have led to the displacement of thousands of people.

For victims and the communities in conflict affected areas, the system of justice envisioned in the Rome Statute must become a reality. This is a challenge to the Philippines as it is for many countries in Asia-Pacific.

Civil society in Asia-Pacific region has always stressed to states, the benefits of joining the international system of justice as embodied by the Rome Statute and the various mechanisms and resources of which state parties presumably can access. ***We are banking on this potential of access in terms of securing appropriate assistance for our overall efforts in effecting treaties that address atrocity crimes, such as the Rome Statute, to be fully realized.***

Tomorrow I will moderate a forum entitled "Civil Society and the ICC: Local Perspectives on Fact-Finding" to be hosted by The Philippines and the Open Society Justice Initiative. Local groups will report on key concerns on their fact-finding efforts

and the realities faced of those considering engaging with the ICC. Without any enforcement powers, the ICC is entirely dependent on the voluntary cooperation of such national groups for formal cooperation with the ICC on investigations and access to crime scenes.

In the [Asia-Pacific] consultations, NGOs indicated the current lack of local understanding of the role of the ICC in accountability. This is particularly apparent in my subregion, Southeast Asia, with only two countries formally accepting the jurisdiction of the ICC, namely, Cambodia and The Philippines. [Local civil society groups called for States to provide sufficient budget to ensure the ICC can establish a dedicated liaison point for the region to facilitate sharing information and explaining how to engage with the Court.]

To the ICC, Assembly of States Parties, Asia-Pacific Governments, I want to call attention to the challenge of breaking through for justice in a region with the biggest number of people and, unfortunately, equally high number of armed conflicts.

We need protection of groups documenting atrocity crimes.

We need the ICC to come in and provide capacity for national courts dealing with new implementing laws.

[We NGOs need support for the provision of resources and technology tools to assist in monitoring, investigations and documentation atrocity crimes instead of having to defend ourselves from new technology used against us.]

Your commitment to provision for these needs will help us ***breaking through in the area of effective prosecution.***

It is time to forge further forward in Asia-Pacific and in the work for international justice.

#

\* **Delivered by REBECCA DESIREE E. LOZADA**, National Coordinator of the Philippine Coalition for the International Criminal Court, at the

Email: [pcicc.bbp@gmail.com](mailto:pcicc.bbp@gmail.com)