



**STATEMENT OF THE PHILIPPINES DELIVERED BY
HIS EXCELLENCY MR. HARRY ROQUE
Presidential Spokesperson, Office of the President**

**Thursday, 07 December 2017
United Nations Headquarters, New York**

*General Debate of the 16th Assembly of States Parties to the Rome Statute of
the International Criminal Court*

Mr. President, your excellencies, colleagues:

The Philippines pays tribute to Minister Sidiki Kaba, whose leadership and commitment to human rights and judicial independence greatly helped in steering the Assembly through challenging times.

The Philippines congratulates its friend Judge O-Gon Kwon on his appointment to lead our Assembly in the next three years. We are confident that his leadership will have a positive impact in the important work of universalizing the Rome Statute, particularly for our region in the Asia-Pacific.

We congratulate the newly-elected judges of the Court, as we thank the retiring judges for their lasting contribution to international criminal justice. We acknowledge the Assembly Secretariat's hard work and outstanding administrative support in ensuring the success of our meetings.

The Philippines would also like to thank the Assembly for approving by consensus the term-sharing arrangement for the Asia-Pacific Group's members to the Committee on Budget and Finance, and extends its gratitude to Japan and Jordan for the flexibility demonstrated in arriving at a compromise.

The Philippines reaffirms its support for the principles of the Rome Statute and the Court, including efforts to have candid dialogue and consultations to address allegations of inequality and unfairness in the work of the Court.

Mr. President, the Philippines supports the activation of the Court's jurisdiction over the crime of aggression as another step towards the fulfillment of the promise, not only of the Rome Statute, but also of the UN Charter on the prohibition on the use of force. This position is consistent with the policy expressly provide in Article II of our Constitution that the Philippines renounces war as an instrument of national policy.

In reaffirming our commitment to the Rome Statute and the Court, we are also reminded that the Court is a court of last resort. The States Parties to the Rome Statute envisioned a court with a complementary, not primary, jurisdiction for the prosecution of the persons most responsible for the most serious crimes of international concern.

In cases of allegations that crimes under the jurisdiction of the Court have been committed within the territory of a State Party or by its nationals, the Rome Statute requires the Court and other bodies, such as the Office of the Prosecutor, to respect and defer to the primary criminal jurisdiction of such State Party, unless it can be shown that the State Party is unwilling or unable to investigate and prosecute such crimes.

There is no question that the Philippines has long since had laws and a functioning criminal justice system able to investigate and prosecute such crimes in its territory. Laws such as the Republic Act 9851 which punishes criminal conduct covered by the Rome Statute preceded even the country's ratification of the Statute. The Philippines is therefore prepared to act, as we have always so acted, to bring to bear our national criminal justice system upon those who violate our laws and pose a threat to our national security.

Mr. President, the recent siege in Marawi City in Southern Philippines serves as a crucial reminder for us and the rest of the world of the intimate and indisputable link between terrorism and the illegal drug trade.

Ongoing national proceedings in relation to these crimes must therefore be respected, consistent not only with our sovereign right and responsibility to prosecute crimes committed in our territory, but also with the principle of complementarity that has been the basis for the Court's mandate.

Whether viewed from the perspective of preserving the integrity of the Court's mandate, or maintaining the efficiency of its operations, deference to genuine efforts at the national level to go after crimes must be upheld. The primary

objective of the Rome Statute to complement national efforts in criminal justice and social reconciliation must not be minimized or set aside.

Mr. President, we urge the Court to resist attempts by some sectors to treat the Court as a venue to pursue political agenda to destabilize governments and undermine legitimate national authorities.

It is indeed actions like these that politicize and dilute the Court's mandate which ultimately undermine national efforts to punish and prosecute crimes covered by the Statute and derail current efforts to achieve universality of the Rome Statute.

The Philippines reaffirms the principles enshrined in the Preamble of the Rome Statute. It supports the shared sovereign goals of peace and security and the importance of criminal accountability for the most serious crimes of concern to the international community. It recognizes that effective prosecution must be ensured at the national level and enhanced by international cooperation.

The Philippines, along with the rest of the States Parties, anchored its consent to be bound by the Rome Statute on the principle of complementarity. The significance of complementarity and of collective efforts to develop an effective and fair international criminal justice system was confirmed in the words of Minister Kaba and other speakers during the opening Session last Monday.

By ensuring that the principle of complementarity works and is respected, we strengthen the States Parties' faith in the Court, which in turn helps achieve the universality of the Rome Statute.

We trust that the Court's exercise of its mandate will respect national processes geared towards exacting criminal accountability for conduct committed within our territory. A violation of the very basis for our consent – which is complementarity – will constrain us to reassess our continuing commitment to the Court and the Rome Statute.

Finally, Mr. President, we reiterate our support for the activation of the Court's jurisdiction on the crime of aggression. It is our fervent hope that this Assembly can come to an agreement on this matter, preferably through consensus, at the soonest possible time.

Thank you for your attention.