

**COALITION FOR THE INTERNATIONAL CRIMINAL COURT
QUESTIONNAIRE FOR ICC JUDICIAL CANDIDATES
DECEMBER 2011 ELECTIONS**

Conscious of the restrictions placed upon ICC judges in making extra-curial comments which might affect the independence referred to in Article 40 of the Rome Statute and Rule 34 of the Rules of Procedure and Evidence, we invite judicial candidates to please reply to the following questions as comprehensively or concisely as possible.

Name: Miriam Defensor Santiago

Nationality: Filipino

Nominating State: Philippines

List:

A

B

Background:

1. Why do you wish to be elected a judge of the ICC?

Should I be given the honor to be a judge of the ICC, it will be the culmination of my academic and professional work in international law and human rights. This has been the focus of my academic work – from my doctoral research, my subsequent scholarly publications, and my experience teaching at the University of the Philippines. This has likewise been the direction of my professional work – as a young attorney in our Department of Justice who took part in the Diplomatic Conference that led to the Protocols Additional to the 1949 Geneva Conventions; as legal officer of the UN High Commissioner for Refugees; as trial court judge deciding cases involving human rights violations under a martial law regime; as Immigration Commissioner post-martial law under President Corazon Aquino; and as former chair of the Senate Committee on Foreign Relations.

My academic and professional preparation in international law and human rights over the past four decades has steadily progressed toward the work of an ICC judge. The ICC will provide me with the institutional framework to make full use of this experience. Finally, this

track record should demonstrate my sustained commitment to the values institutionally embodied in the ICC.

2. What do you think would be the biggest challenges you would face if you were elected as an ICC judge?

The challenges are two-fold. The first is general to any judge appointed to a very new court that is still in the stage of developing its own traditions, practices, and case law. There is so much room for the judges to shape the new tribunal, and this merely underscores the importance of wisdom drawn from seasoned judgment. The second is specific to a former judge like me who – though with the full benefit of international exposure from foreign graduate studies, a stint in the United Nations, and exposure to global diplomacy as Senate chair on foreign relations – is now called upon to work in an entirely new institutional framework, the ICC, and with fellow international judges from various cultural and professional backgrounds.

3. What do you believe are some of the major challenges currently facing the Court? What do you believe will be some of the major challenges in the coming years?

The *first* challenge is largely beyond its control, namely, the geographical and cultural balance of the cases being investigated by the Prosecutor and tried by the Court. For instance, a caseload unduly focused on one continent or putting on the dock defendants from the same religion might tend to undermine the credibility and legitimacy of the ICC. The *second* challenge, likewise beyond its control, is the possible rise in referrals from the U.N. Security Council, a highly political body. The *third* challenge is the possibility that the rules on the crime of aggressive war will finally be voted into effect, thus further pushing the Court into the political thicket. *Fourth*, and finally, the proliferation of international criminal tribunals – from the ICTY, the ICTR and the various mixed/hybrid tribunals all over the world, and now the ICC – creates the challenge of normative and doctrinal consistency. The ad hoc tribunals deal with specific conditions and face specific evidentiary, enforcement, or substantive (in terms of crimes punishable by the tribunal) requirements. And yet, their case law creates norms and expectations that can be carried over to the ICC which, in contrast to the ad hoc and mixed/hybrid tribunals, is a standing and permanent tribunal.

Nomination Process:

4. What are the qualifications required in the State of which you are a national for appointment to the highest judicial offices? Please explain how you meet these qualifications.

Under the Philippine Constitution, no person shall be appointed a member of the Supreme Court unless he or she is a natural-born citizen of the Philippines, at least forty years old, and have been for fifteen years or more, a judge of a lower court, or engaged in the practice of law in the Philippines.¹ A member of the Philippine Supreme Court must also be of proven competence, integrity, probity, and independence.²

The Judicial and Bar Council (JBC), which is constitutionally mandated³ to recommend qualified applicants to the Supreme Court for appointment by the President, has also created guidelines⁴ to determine qualified applicants. According to its own guidelines, the JBC shall consider the applicant's educational preparation, experience, performance, and other accomplishments, including the completion of the prejudicature program of the Philippine Judicial Academy. The JBC shall also take every possible step to verify the applicant's record of and reputation for honesty, integrity, incorruptibility, irreproachable conduct, and fidelity to sound moral and ethical standards.

Applicants are also required to undergo a personal interview conducted by the JBC in order for the latter to observe their personality, demeanor, deportment, and physical condition; assess their ability to express themselves, especially in the language of the law in court trials/proceedings and in their decisions or rulings; test their mastery of the law and legal principles; inquire into their philosophies and values; determine their probity and independence of mind; and evaluate their readiness and commitment to assume and fulfill the duties and responsibilities of judgeship.

I meet these requirements because of my extensive scholastic record, work experience in all three branches of government—executive, legislative, and judicial—and experience in the international legal arena. With regard to educational preparation, I have been a consistent

¹ Article VIII, Section 7, par. 1.

² Article VIII, Section 7, par. 3.

³ Article VIII, Section 8, par. 1.

⁴ Rules of the Judicial and Bar Council, November 2000.

honor student since elementary; and have graduated *magna cum laude* in college and *cum laude* in law school. I took my master's and doctor's degree in law at the University of Michigan as a Barbour Scholar and DeWitt Fellow. I was able to fulfill the requirements for my doctorate degree in six months, with an "A" average. I also took postdoctoral courses at Harvard, Oxford, Cambridge, and the University of California at Berkeley. At UC Berkeley, I received the highest grade in judicial writing.

After passing the bar, I became special assistant to the Secretary of Justice, while teaching Political Science at Trinity University of Asia. Later, I worked as a legal officer at the United Nations High Commissioner for Refugees, in Geneva, Switzerland; and as a legal consultant for the Philippine Embassy at Washington, D.C.

After ten years of practice as a lawyer, I became the youngest presiding judge of the Regional Trial Court of Quezon City, which is one of the busiest courts in Metro Manila. During my stint in the judiciary, I disposed of the highest number of cases in Metro Manila and topped the examination in judicial writing administered by the Philippine Judicial Academy. I was awarded for judicial excellence by civic groups, notably the Outstanding Woman in Iloilo, National Police Commission Distinguished Achievement Award, the Lion's Club Award to Outstanding Women in the Nation's Service, and the prestigious Jaycee TOYM (Ten Outstanding Young Men) Award. Further, while serving as judge, I taught evening law classes at the University of the Philippines.

President Corazon Aquino appointed me to the Commission on Immigration and Deportation (CID) after recognizing my efficacy, determination, and hard work in restoring integrity to the judiciary. Rising up to the challenge, I swiftly and aggressively fought corruption at the CID, and prosecuted illegal aliens, human traffickers, pedophiles, smugglers, and drug lords. Barely eight months after my appointment as Immigration Commissioner, I was named Laureate of the Asian Nobel Prize, the Ramon Magsaysay Award for Government Service. I was cited "for bold and moral leadership in cleaning up a graft-ridden government agency."

<http://www.rmaf.org.ph/Awardees/Biography/BiographySantiagoMir.htm>

Impressed with my accomplishments as CID Commissioner, I was appointed by President Aquino as Agrarian Reform Secretary. During my term, I instituted major policies in the agrarian reform system to benefit peasant farmers. I endorsed to Congress an

alternative “people’s agrarian reform program” (Parcode) that put land retention limits to five hectares. Under the Comprehensive Agrarian Reform Law, the retention limit was 11 hectares, which virtually exempted 75% of all agricultural lands from land reform. The Parcode endorsement was hailed by farmers’ organizations.

I am now serving my third term as Senator of the Philippines. As senator, I authored and sponsored landmark legislations in the areas of human rights, women’s rights, health, and environment. I continue my crusade against graft and corruption by exposing anomalies in the government as vindicated by the investigative reporting of the press.

I am confident that I am more than qualified with respect to the requirements on educational attainment, work experience, and service eligibility. I have written several papers and books on law, philosophy, politics, and even literature. The awards I have received come from international and national organizations, universities, churches, government agencies, civic groups, and the media. Further, I am physically fit, healthy, and psychologically sound to discharge my duties as a judge. I have no qualms with having my physical and mental states examined by a competent physician of the Council’s choosing. There is no pending criminal or administrative case against me. Neither have I been convicted for any criminal act. I am only 66 years old, and have a long way to go before I become debilitated by old age.

In 2008, I was nominated as Chief Justice of the Philippine Supreme Court. However, I was bypassed by the JBC because of an internal rule that only current members of the Supreme Court can be appointed as Chief Justice. This internal rule is highly contentious and controversial since it violates the Philippine Constitution and is not even part of the JBC Guidelines.

5. Article 36 of the Rome Statute provides for two possible nomination procedures. Please describe in detail the procedure under which you were nominated. Please also provide any relevant information such as the national law governing the procedure for the nomination of candidates to the highest judicial office in the nominating state (an Article 36(4)(a)(i)

nomination) or the nominating letter from the Permanent Court of Arbitration national group (an Article 36(4)(a)(ii) nomination).

As early as May 2011, Foreign Affairs Secretary Albert F. del Rosario informed me that he will endorse me as the Philippine candidate to the ICC to Philippine President Benigno S. Aquino III. Upon this endorsement, President Aquino immediately approved my candidacy.

Thus, pursuant to the Rome Statute of the ICC, Article 36, paragraph 4(a)(ii), the Philippine National Group in the Permanent Court of Arbitration (PCA) nominated me, a national of the Republic of the Philippines with established competence in both international law, and criminal law and procedure, as a candidate in the election of judges of the ICC.

The members of the Philippine National Group in the PCA are Former Supreme Court Chief Justice Hilario G. Davide Jr., Former Supreme Court Justice Florentino P. Feliciano, Prof. Merlin Magallona, and Former Ambassador Lilia R. Bautista. Justice Feliciano signed the nominating letter, dated 23 August 2011, on behalf of the Philippine National Group.

The nominating letter can be found here: http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-PH-SP-ENG.pdf

6. Have you provided the statement required by article 36(4)(a) of the Rome Statute and by the nomination and election procedure adopted by the Assembly of States Parties? If not, please provide an explanation for this omission.

Yes.

Legal System and Language Abilities:

7. a) Which legal system does your country belong to?

The Philippines belongs to the civil law system.

b) *Do you have knowledge or experience working in other legal systems?*

Yes. I studied law at the University of Michigan, where I obtained my LLM and JSD degrees.

c) *What difficulties do you envision encountering working with judges from other legal systems? How would you resolve such difficulties?*

None.

8. *The Rome Statute requires every candidate to have excellent knowledge of and be fluent in English or French.*

a) *What is your knowledge and fluency in English, if it is not your native language? Do you have experience working in English?*

I am fluent in English. English is one of the Philippines' two official languages. I took up my LLM and JSD at the University of Michigan, where English is the language of instruction. I wrote my books, legal articles, and newspaper columns in English. I also lectured in English when I served as professor of international law, constitutional law, and remedial/procedural law at the University of the Philippines for some ten years.

English is the primary language of communication in the Philippine government. I have extensive experience working in English as senator, agrarian reform secretary, immigration commissioner, trial level judge, and legal consultant of the Philippine embassy in Washington, D.C., USA.

b) *What is your knowledge and fluency in French, if it is not your native language? Do you have experience working in French?*

I have a working knowledge of French. I have experience working in French as legal officer of the United Nations High Commissioner for Refugees in Geneva, Switzerland, in 1979 to 1980.

9. a) *For List B candidates:*

How would you describe your competence in relevant areas of international law, such as international humanitarian law and international human rights law?

I have extensive experience in international law and international human rights law. My dissertation for my Doctor of Juridical Science degree at the University of Michigan was *Political Offenses in International Law*, under Prof. William W. Bishop Jr. This was published as a book by the University of the Philippines.

I was a professor of international law, constitutional law, and remedial or procedural law at the University of the Philippines, for some 10 years. I have also written books and legal articles on international law and criminal procedure.

I have worked as legal officer for the UN High Commissioner for Refugees in Geneva. I am also listed by the UN as an eminent and distinguished expert in international law.

During my term as trial level judge in Metro Manila, I decided cases involving human rights violations under a martial law regime, cases over juveniles, domestic relations cases, and criminal cases involving sexual- and gender-based violence. As Agrarian Reform Secretary, I instituted major policies in the agrarian reform system in my country to benefit peasant farmers. As Immigration Commissioner, I successfully arrested and prosecuted alien crime syndicates dealing in human trafficking, drugs, and guns, and sexual predators of children.

As senator, I chaired the Senate Subcommittee on the International Criminal Court, and sponsored the ratification of the Rome Statute in the Senate plenary. I also authored and sponsored landmark legislations in human rights, women's rights, health, and environment, including the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity" in Congress. I am one of the leading advocates of the reproductive health bill, a human rights initiative that has languished in Congress for over 16 years. Sadly, reproductive health remains a politically precarious issue in the Philippines.

How would you describe your professional legal experience that is of relevance to the judicial work of the Court?

I have broad experience as a trial and appellate lawyer and judge in my country. As Immigration Commissioner, I gathered evidence against and prosecuted sexual predators of children, and alien crime syndicates dealing in human trafficking, drugs, and guns. As trial level judge, I decided cases involving human rights violations under a martial law regime, cases over juveniles, domestic relations cases, and criminal cases involving sexual- and gender-based violence. As senator and lawyer, I argued and won cases before the Philippine Supreme Court.

10. *Please describe your qualifications for this position. Please also describe the aspects of your career, experience or expertise outside your professional competence that you consider especially relevant to the work of an ICC judge.*

Please see above and my *curriculum vitae* at http://www.icc-cpi.int/iccdocs/asp_docs/Elections/EJ2011/ICC-ASP-EJ2011-PH-CV-ENG.pdf

11. *Do you have legal expertise in relevant areas such as the crimes over which the Court has jurisdiction; the management of complex criminal and mass crimes cases; or the disclosure of evidence?*

My expertise encompasses what I have mentioned above.

12. The ICC is a unique institution, and judges serving on the court will inevitably face a number of unprecedented challenges (including managing a regime of victims' participation and protecting witnesses in situations of ongoing conflict). Even judges with significant prior experience managing complex criminal trials may not necessarily possess requisite skills and knowledge needed to manage these challenges.

a) Are you willing to participate in ongoing workplace training aimed at promoting legal innovation and coordination among all judicial chambers in adjudicating complex questions relating to law and policy?

Yes. I will participate in training programs since these workshops will provide the judges with the necessary tools to gain a better appreciation of the issues. In the Philippines, I supported and participated in the workshops and courses offered by the Philippine Judicial Academy, which is a training school for justices, judges, court personnel, lawyers, and aspirants to judicial posts.

b) Do you consider such training to be important?

Yes, ongoing workplace training is very important in ensuring judicial competence and efficiency.

13. Historically, many of the grave abuses suffered by women in situations of armed conflict have been marginalised or overlooked.

a) Please describe any expertise and/or experience you may have in dealing with crimes of sexual and/or gender based violence.

As a trial level judge, I decided cases involving human rights violations under a martial law regime, cases over juveniles, domestic relations cases, and criminal cases involving sexual- and gender-based violence.

b) Are there situations or cases in the past where you believe you have applied a gender perspective, i.e. inquired into the ways in which men and women were differently impacted? If so, to what effect?

Two instances come to mind. I actively participated in the passage of the Magna Carta of Women, a landmark Philippine law that recognizes and protects women's rights. I am also the leading proponent and sponsor of the reproductive health bill, a human rights initiative. The bill has languished in Congress for some 16 years because of the opposition of the religious majority in my country. I am steadfast in my commitment to fight for the passage of this important bill that will save the lives of countless women and mothers.

14. Victims have a recognised right to participate in ICC proceedings and to apply for reparations under Article 75 of the Rome Statute. Please describe any experience that you have, which would be relevant to these provisions.

As a trial court judge, I granted prayers for damages and reparations, including restitution, compensation, and rehabilitation of the victims, in criminal and civil cases.

15. Under Article 68(3) of the Rome Statute, victims are entitled to present their views and concerns and have them considered at stages of the proceedings to be determined by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

a) Please describe any experience you may have that would make you particularly sensitive/understanding to the participation of victims in the courtroom?

As judge of the Regional Trial Court of Quezon City, I had jurisdiction over cases involving human rights violations committed by State actors during a martial law regime, cases involving juveniles, domestic relations cases, and criminal cases involving sexual- and gender-based violence. As a judge, I made sure that victims were ably represented by counsel and that they were encouraged to actively participate in all stages of court proceedings.

b) Do you have any experience in balancing victims' participation with the rights of the accused to due process and a fair and impartial trial? If so, please describe.

As trial level judge, it was my responsibility to ensure that victims' participation in court proceedings were balanced with the rights of the accused to due process and a fair and impartial trial. Two ways to do this were to grant equal opportunity to both parties to present their respective evidence; and ensure that statutory and case law were properly applied to the facts of the case.

16. Have you advocated for the adoption and/or implementation of human rights or international humanitarian law treaties or other instruments? Please describe your experience.

Under the Philippine Constitution, no treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the members of the Senate.

As chair of the Senate Subcommittee on the International Criminal Court, I sponsored and petitioned for the ratification by the Senate of the Rome Statute of the ICC.

Moreover, during my term as chair of the Senate Committee on Foreign Relations, I sponsored and advocated for the ratification of the following international humanitarian law treaties:

- a. Convention for the Protection of Cultural Property in the Event of Armed Conflict and its First Protocol;
- b. Protocol Additional to the Geneva Convention of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts; and
- c. Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

I also authored and actively participated in the passage of Republic Act No. 9851, or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and other Crimes Against Humanity, which is a breakthrough law in the enforcement of human rights in the Philippines. This law empowers the Philippines to prosecute the most serious crimes

of international concern, and brings national law in conformity with international standards and important developments in international humanitarian law.

17. Have you ever referred to or applied any specific provisions of international human rights or international humanitarian law treaties within any judicial decision that you may have issued within the context of your judicial activity or legal experience?

During my stint as a trial court judge, I decided cases of human rights violations committed by State actors during martial law. One such case involved students and opposition critics who were rounded up by the police and the military following demonstrations against then martial law dictator Ferdinand Marcos and First Lady Imelda Marcos. The protesters were detained under a Preventive Detention Action Order issued by President Marcos himself. They were charged with the crime of illegal assembly. When the case was raffled to my court, I was faced with the question, "In a martial law situation, can a trial court judge overrule the President of the Republic, and uphold the right of the accused to free speech and to peaceably assemble?"

Judges then had prudently sustained such arrests and denied bail. I knew then that a decision adverse to the president might place me in jeopardy of being assassinated or of being detained myself. After scrupulously examining the issues, however, I ordered the release of the protesters. The decision was hailed as an act of judicial independence, even during a martial law situation.

18. During the course of your judicial activity, if any, have you ever applied the provisions of the Rome Statute directly or through the equivalent national legislation that incorporates Rome Statute offences and procedure? If so please describe the context in which you did.

When I served as a trial level judge in 1980s, the ICC has yet to be established. Also, during that time, the equivalent national legislation, of which I am a co-author, was yet to be enacted. It was only passed in 2009.

19. Have you ever referred to or applied the jurisprudence of the ICC, ad hoc, or special tribunals? If so, please describe the context.

When I served as a trial level judge in 1980s, the ICC has yet to be established.

20. Have you served on the staff or board of directors of human rights or international humanitarian law organisations? Please describe your experience.

From 1979 to 1980, I served as Legal Officer with the United Nations High Commissioner for Refugees in Geneva, Switzerland.

21. a) Please provide us with a list of and/or links to your writings and opinions relevant to evaluating your experience.

I have written some 30 books on law, political science, and philosophy.

Law

International Law, With Philippine Cases and Materials and ASEAN Instruments

International Law and World Organizations (co-author)

Civil Code Annotated

Constitution Annotated

Corporation Code Annotated

Election Code Annotated

Insurance Code Annotated

Local Government Code Annotated

National Internal Revenue Code Annotated

Penal Code Annotated

Rules of Court Annotated

Tariff and Customs Code Annotated
Constitutional Law, Volume 1 – Political Structure
Constitutional Law, Volume 2 – Bill of Rights

Political Science

International Relations
Politics and Governance
At the Turn of the Century: National Policy Issues in the Philippines
Theory and Issues in Politics
Cutting Edge: The Politics of Reform in the Philippines
Where Angels Fear to Tread: Politics and Religion
How to Fight Election Fraud
How to Fight Graft

Philosophy

The Great Philosophers
Theory and Issues in Politics
Western and Eastern Religions
Theory and Issues in Ethics (in progress)

I have also written the following published articles:

- “Charter Places Absolute Ban on Use of Illegal Wiretaps”
52 Ateneo Law Journal, 2007
- “International Humanitarian Law as an Evolving Field of Law”
33 Integrated Bar of the Philippines Journal, 2007
<http://miriam.com.ph/newsblog/?p=527>
- “The Status of IRRI as an International Organization in National and International Law”
79 Philippine Law Journal 887, 2005
- “Some Issues of Immigration Law in a Developing State”

10 *Michigan Journal of International Law* 251, 1989

- “CID: The Philippine Experiment in Fighting Graft”
1 *Career Executive Journal*, 1989
- “Family Reunification for Refugees: The Philippine Context”
2 *Lawyer's Review*
- “Arrest and Search: Guidelines for Policemen”
6 *Criminal Justice Journal* 32, 1986
- “The Supreme Court Applies 'Clear and Present Danger:' But Which One?”
60 *Philippine Law Journal* 57, 1985
- “Criminal Procedure in the Juvenile Justice System”
4 *Criminal Justice Journal* 31, 1984
- “The 'New' Equal Protection”
58 *Philippine Law Journal* 1, 1983
- “Identifying the Political Offender”
56 *Philippine Law Journal* 395, 1981
- “Promotion, Dissemination, and Teaching of International Refugee Law:
Towards a New International Social Order”
55 *Philippine Law Journal* 139 (co-author), 1980
- “Humanitarian Law in Armed Conflicts”
54 *Philippine Law Journal* 188, 1979
- “Procedural Aspects of the Political Offence Doctrine”
51 *Philippine Law Journal* 238, 1976
- “The Archipelago Concept in the Law of the Sea”
49 *Philippine Law Journal* 315, 1974

Further, I have written and delivered the following papers:

- “The Reproductive Health Bill: Logic 101,” University of the Philippines Law Center for Human Rights
15 September 2011
<http://miriam.com.ph/newsblog/?p=465>
- “The Reproductive Health Act”, Sponsorship Speech on the Reproductive Health Bill, Senate of the Philippines
August 2011
<http://miriam.com.ph/newsblog/?p=388>
<http://miriam.com.ph/newsblog/?p=404>
- “Some Problems and Approaches in the Relations of National Law and the Rome Statute of the International Criminal Court: Application of International Humanitarian Law,” International Humanitarian Law Day Celebration, Department of Foreign Affairs, Manila, Philippines
26 August 2011
<http://miriam.com.ph/newsblog/?p=417>
- “The Rome Statute of the International Criminal Court,” Sponsorship Speech as Chairperson of the Subcommittee on the International Criminal Court of the Committee on Foreign Relations, Senate of the Philippines
16 August 2011
<http://miriam.com.ph/newsblog/?p=399>
- “On Issues and Principles of the Rome Statute of the ICC,” Asia-Pacific Parliamentary Consultation on the Universality of the Rome Statute of the International Criminal Court (ICC), Parliament of Malaysia, Kuala Lumpur
9 March 2011
<http://miriam.com.ph/newsblog/?p=342>
- “The Reproductive Health Bill,” International Women’s Day, University of the Philippines, Iloilo City

4 March 2011

<http://miriam.com.ph/newsblog/?p=341>

- “Women and Human Rights,” International Human Rights Day, Centro Escolar University, Philippines
10 December 2010
<http://miriam.com.ph/newsblog/?p=285>
- “Principle of Non-Discrimination in International Law,” 6th International Conference of Tibet Support Groups, Haryana, Dharamsala, India
5 November 2010
<http://miriam.com.ph/newsblog/?p=270>
- “The Praxis of Gender Justice in the Philippines – Implications for Lawmaking,” Panel on Gender Justice and Women Rights, 32nd Annual Forum of Parliamentarians for Global Action, Istanbul, Turkey
25 October 2010
<http://miriam.com.ph/newsblog/?p=489>
- “Reflections on the Evolution of International Responsibility and the Rule of Law,” 9th Doha Forum on Democracy, Development and Free Trade, Doha, Qatar
5 May 2009
<http://miriam.com.ph/newsblog/?p=497>
- “Reservation to Treaties,” 63rd Session of the United Nations General Assembly, New York, USA
29 October 2008
- “Shared Natural Resources,” 63rd Session of the United Nations General Assembly, New York, USA
27 October 2008
- “Reservation to Treaties” and “Shared Natural Resources,” 62nd Session of

the United Nations General Assembly, New York, USA

2 November 2007

- “A Democratic State and Governance in the 21st Century: A View from East Asia,” II Global Forum on Reinventing Government, Brasilia, Brazil
29 May 2000
- “Guidelines for Reporting by Governments on the Implementation of the Global Program of Action, on the Progress Achieved in Meeting the Goals and Targets for the Years 2003 and 2008,” 42nd Session of the Commission on Narcotic Drugs, Vienna, Austria
17 March 1999
- “Measures to Eliminate International Terrorism,” 53rd Session of the United Nations General Assembly, New York, USA
12 November 1998
- “Philippine Intellectual Property Laws, A Review in Light of the GATT,” Conference on International Economic Transactions, Sponsored by the Indonesian Bar Association, Jakarta, Indonesia
24 April 1996
- “Women Business Lawyers: Meeting the New Political and Economic Challenges in Asia,” Conference of the Inter-Pacific Bar Association (Women Business Lawyers“ Group), Singapore
4 December 1995
- “The Gap in the International Protection of Refugees and Internally Displaced Persons, Victims of Conflicts,” International Congress on Respect for International Humanitarian Law, San Remo, Italy
7 September 1995

- “Toward Radical Humanism in a Meta-Technological Society,”
Global Convention on the Restoration of Morality and
Humanity, Kyung Hee University, Seoul, South Korea
5 September 1995
- “Asian Perspective: The Promotion of International Refugee Law
as a Factor in Conflict Prevention,” 19th Roundtable on Current
Problems of International Humanitarian Law, San Remo, Italy
31 August 1994
- “What Does the Law Say?” Symposium on Equipping Southeast
Asian Women Managers for the 90’s, Kuala Lumpur, Malaysia
6 March 1991
- “Corruption Prevention Strategies in Developing Countries,”
Keynote Speaker, Fourth International Anticorruption
Conference, Sydney, Australia
13 November 1989

b) Please provide us with an electronic copy of and/or links to any writing or opinion describing your experience as outlined in questions 1a), 1b) and 5.

For the links to my articles and speeches, please see above and www.miriam.com.ph.

c) Is there any other information in the public domain that would support your candidacy or provide additional evidence of your qualification as a judge at the ICC?

I was the youngest judge in Metro Manila for the Regional Trial Court, with jurisdiction over civil and criminal cases, including cases involving juveniles and domestic relations cases. During my stint as trial court judge, I disposed of the highest number of cases in Metro Manila. I received awards for judicial excellence from civic organizations, most notably, “The Outstanding Young Persons” from the Philippine Jaycees, and “The Outstanding Women in the Nation’s Service” from the Philippine Lions Club. Further, I was

the topnotcher in judicial writing at the Philippine Judicial Academy, and at California Judicial College, University of California at Berkeley.

22. Have you ever resigned from a position as a member of the bar of any country or been disciplined or censured by any bar association of which you may have been a member? If yes, please describe the circumstances.

No. I am a member of the Integrated Bar of the Philippines in good standing for 42 years now.

23. Have you ever been found by a governmental, legal or professional body to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, colour, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status, or any other grounds of discrimination? If yes, please describe the circumstances.

No.

24. It is expected that a judge shall not, by words or conduct, manifest or appear to condone bias or prejudice, including, but not limited to, bias or prejudice based upon age, race, creed, colour, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status and shall require staff, Court officials and others subject to his or her direction and control to refrain from such words or conduct.

a) Do you disagree or have difficulty with this expectation?

I neither disagree nor have any difficulty with this expectation.

b) Please provide any relevant information regarding your ability to meet this expectation.

I served as trial court judge for five years, and decided cases involving human rights violations, cases over juveniles, domestic relations cases, and cases involving sexual- and gender-based violence. Aside from being known as the youngest judge and as the judge who had disposed of the highest number of cases in Metro Manila, the capital of the Philippines, I was recognized for my impartiality and neutrality.

25. Article 40 of the Rome Statute requires judges to be independent in the performance of their functions. Members of the CICC and governments are concerned about the difficulties a judge may experience in independently interpreting articles of the Rome Statute on which his or her government has expressed an opinion.

a) Do you expect to have any difficulties in your taking a position on any matter independent of, and possibly contrary to, your government?

I do not expect any difficulties in taking a position on any matter independent of, and possibly contrary to, my government.

b) Article 41 requires a judge's recusal "in any case in which his or her impartiality might be doubted on any ground." Do you feel you could participate in a judicial decision involving a matter in which your government has an interest, such as whether an investigation by your government on a matter of which the ICC was seized was genuine?

Yes, I can participate in a judicial decision involving a matter in which the Philippine government has an interest, and I can assure you that I will conduct myself in the highest standards of impartiality and neutrality. However, in the event that my impartiality is doubted on any reasonable ground, I am ready to recuse myself.

26. *The Rome Statute requires that judges elected to the Court be available from the commencement of their terms, to serve a non-renewable nine-year term, and possibly to remain in office to complete any trials or appeals. In addition, a judge is expected to be on the bench or otherwise handle legal matters for at least seven hours per day, five days per week, and at times a judge's responsibilities may require him or her to be on the bench or at work into the evenings and on weekends. It may also include working on more than one case at a time and for Pre-Trial Division and Trial Division judges, the possibility of temporary attachment to the opposite Division.*

a) Do you expect to be able to serve at the commencement and for the duration of your term, if elected?

Yes.

b) Do you expect to be able to perform the judicial tasks described above on your own or with reasonable accommodation? If no, please describe the circumstances.

Yes.

27. *If there are any questions you wish were asked in this questionnaire but were not, or if there are any matters that you otherwise wish to bring to the attention of the Coalition in this questionnaire, please feel free to address them here.*

I thank and commend the Coalition for giving the candidates a neutral ground to discuss our credentials, expertise, and experience in the areas considered invaluable to be a judge of the ICC.