



## **PHILIPPINE COALITION FOR THE INTERNATIONAL CRIMINAL COURT**

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**28 July 2011**

Open Letter to the Philippine Senate  
as it begins ratification proceedings on the Rome Statute

### **UPHOLD THE RULE OF LAW AND JUSTICE, RATIFY THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

The Philippine Coalition for the International Criminal Court is anticipating great advances in the country's contributions to international justice now that the Rome Statute of the International Criminal Court (ICC) is finally with the Philippine Senate for its deliberation and concurrence as mandated by law.

It has been nine years since the treaty that created the first international permanent tribunal with the jurisdiction over the most serious international crimes came to force in July 2002 and 11 years since the Philippines signed in December 2000.

#### **A treaty seeking justice for war crimes, crimes against humanity & genocide**

Your completion of the ratification of the Rome Statute by the Philippines will manifest the commitment of our country to give justice to victims of war crimes, crimes against humanity, genocide, and, subject to a decision to be made the States Parties in 2017, the crime of aggression. As has been noted by the Senate in resolutions seeking the transmittal of the treaty in previous years, the treaty addresses impunity here at home and overseas.

- On June 1, 2001, Sen. Loren Legarda filed Philippine Senate Resolution No. 11 “urging the immediate ratification of the Rome Statute of (the) International Criminal Court, in view of our need to protect basic human rights according to international humanitarian law.” The resolution cited statistics showing that “our country has outstanding records on forced disappearances, salvaging, massacres, physical assault and other crimes against humanity as a result of the ongoing conflict between the military and various rebel groups.”
- On August 15, 2006, the Senate passed Senate Resolution 94 authored by Sen. Miriam Defensor Santiago, noting the gravity of the crimes punished under the treaty makes the issues involved fundamentally important to the Philippines and its people, expressing the sense of the Senate that since the Philippines has been a signatory to the Rome treaty since 28 December 2000 the President may now transmit to the Senate the Rome Statute for ratification proceedings.

The Philippine Congress has made clear its commitment to international humanitarian law with the passage in 2009 of the “Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity”. The law will be further strengthened with the ratification of the Rome Statute since R.A. No. 9851 provides that *in its application and interpretation*, that Philippine courts shall be guided by international law sources including relevant international treaties and conventions ratified or acceded to. [Sec. 15].

## Building the international criminal justice system

With your support, the Philippines can act on its commitment to ratify the Rome Statute and become a full member of the Court's Assembly of States Parties (ASP), contribute to the creation of rules of procedure and evidence of the Court, nominate and elect a judge to the Court, and pursue the significant contributions made by the Philippine mission in the Rome Conference.

Furthermore, the Philippines will be sharing in the task of making the world more humane. The ICC has deterred the escalation of armed conflict in some areas and given hope to victims of atrocious crimes that accountability and justice may yet prevail.

To date, three States Parties to the Rome Statute – Uganda, the Democratic Republic of the Congo and the Central African Republic – have self-referred situations occurring in their countries to the Court. The United Nations Security Council has referred the situation in Darfur, Sudan, and the Prosecutor was granted authorization by the Pre-Trial Chamber to open an investigation on his own initiative into the situation in Kenya.

On 26 February 2011, the UN Security Council for the first time unanimously decided to refer a situation – that of Libya – to the ICC Prosecutor. The Office of the Prosecutor investigated the alleged crimes against humanity committed in Libya since 15 February 2011. On 27 June 2011, judges of ICC Pre-Trial Chamber 1 issued arrest warrants against Libyan leader Muammar al-Gaddafi, his son Saif al-Islam al-Gaddafi and Libyan head of intelligence Abdullah al-Sanusi for alleged crimes against humanity.

The impact of the Court is or will be seen in the lands of all states parties. Under the principle of complementarity, states parties implement the treaty domestically and apply the standards of the Court in dealing with international crimes. States parties have implemented or are working to implement legislation that is aligned with the high standards of the Rome Statute.

It is imperative that the Philippines seizes this opportunity to support the Rome Statute and join other states parties in strengthening the system of international justice.

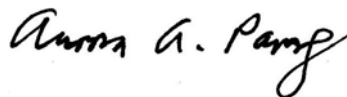
Sincerely yours,

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