

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **The Philippines should commit to international justice**

On the occasion of the official visit to the Philippines by the President of the International Criminal Court, Judge Sang-Hyun Song, Amnesty International calls for the government to ratify the Rome Statute of the International Criminal Court without delay.

On 7 and 8 March, Judge Song will meet with President Benigno S. Aquino III and the Senate, including the Committee on Foreign Affairs, to discuss the work of the International Criminal Court.

The International Criminal Court was established in 2002 to contribute to ending impunity for genocide, crimes against humanity and war crimes, which killed millions of people in the last century and caused unimaginable suffering to millions more.

Ratifying states commit to investigate and prosecute genocide, crimes against humanity and war crimes before their national courts. If they are unable or unwilling to do so, they agree that the International Criminal Court may step in.

Amnesty International hopes the dialogue between the government and the International Criminal Court's most senior official will lead to the Philippines joining 114 other countries that have so far ratified the Rome Statute. As only seven states from the Asia region have ratified so far, the Philippines ratification could inspire other Asian countries to do the same. This would help ensure that the region is not a haven for suspected perpetrators of such heinous crimes.

The Philippines played a positive role in the creation of the International Criminal Court. In 1998, the government actively participated in the drafting of the Rome Statute. On 28 December 2000, the government signed the Statute, thereby indicating its support for the Court and its intention to ratify. However, for more than a decade, little progress has been made to complete the national ratification process.

Amnesty International urges President Benigno S. Aquino III to take the next step forward by submitting the instruments of ratification to the Senate for consideration. Once that step has been taken, the Senate Committee on Foreign Affairs should consider the issue promptly so that the Senate approves ratification as soon as possible. These debates should ensure that the Philippines' makes the fullest commitment to international justice. In particular, the government should:

- ratify the Rome Statute without any express or disguised reservations. All reservations are prohibited by Article 120 of the Rome Statute.
- ratify without making a declaration under Article 124 of the Rome Statute, which seeks to prevent the International Criminal Court from prosecuting war crimes committed on a state's territory or by its nationals for a seven-year period following ratification. Although such declarations were permitted in a political compromise during the drafting of the Rome Statute, only two of the 114 states parties – France and Colombia – took advantage of this impunity provision. France withdrew its declaration before the seven-year period expired. At a recent Review Conference of the Rome Statute, states committed themselves to consider the deletion of Article 124 in 2016.

- review Philippine national law to ensure that it can fulfil its obligations under the Rome Statute to: (1) investigate and prosecute genocide, crimes against humanity and war crimes effectively before its national courts and; (2) to cooperate fully with the International Criminal Court. A review of existing laws, including the 2009 International Humanitarian Law Act, should be conducted to make sure that no gaps exist in the obligations of the Philippines under the Rome Statute and other international criminal law. Separate legislation requiring the Philippines to provide the fullest cooperation with the Court will also need to be drafted and enacted.

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