



PHILIPPINES

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STATEMENT

by

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Philippine Mission to the United Nations

at the

**10TH SESSION OF THE ASSEMBLY OF
STATES PARTIES OF THE
INTERNATIONAL CRIMINAL COURT**

New York, 14 December 2011

Madame President:

At the outset, allow me to extend the Philippines' warmest felicitations on your election as President as well as those of the members of the Bureau. We are confident that under your leadership the Assembly will continue to build on work of the Assembly in the global fight against impunity.

I likewise wish to take this opportunity to thank Ambassador Christian Wenaweser of Liechtenstein for his able stewardship of the Assembly and the Bureau.

Madame President:

Today the Philippines takes its rightful place in the Assembly of States Parties of the International Criminal Court. It is an historic occasion for my country, my government and my people.

In our not so distant past, we stood up against the impunity of colonial rule and of an oppressive dictatorship. Today, we stand together with the rest of the world in saying, "never again" to impunity, in any corner of our world.

This first attendance of the Philippines in the Assembly of States Parties is even made more significant and eventful with the election of one of our illustrious nationals, Professor Doctor Miriam Defensor Santiago, as Judge to the International Criminal Court.

Indeed, it is a new day for the Philippines, a day of pride for our country and a day of honor, knowing that this is a tremendous responsibility and mandate placed upon our eminent compatriot by the international community.

Allow me then to express our utmost gratitude to all the delegations who have supported in our campaign for a seat to the ICC.

We extend also our special thanks to the civil society, particularly our partners such as the Coalition for the ICC and for its Asia-Pacific and Philippine offices.

Our engagement with them has underscored the importance of the partnership between Governments and civil society in advancing the fight against impunity.

They were with us through the entire process of ratification of the Rome Statute. They will be there to help us all ensure that we will succeed in this our shared objective.

Madame President:

The Philippines' own experience – and sadly of other countries as well - has brought to bear the reality that we need to uphold, preserve and protect human rights, we need to make government and its officials – especially at the highest level - accountable for their actions, and we need to ensure that the rule of law prevails over all.

These are the cornerstones of good governance that the Philippine Government under President Benigno S. Aquino III has sought to further strengthen and fortify at the national and international levels.

The Philippines condemns in the strongest possible terms the perpetrators of the most serious crimes of concern to the international community. These perpetrators should be held accountable for all of their acts.

These are acts of abuse that undermine the stability of our world, victimize the most vulnerable among us and represent the gross failure of the application of the rule of law and thus a regrettable miscarriage of justice.

By ratifying the Rome Statute, the Philippines – like other States Parties - takes on the obligations needed to prosecute these perpetrators and to ensure that justice is served.

The Philippines has always believed that “Those who have less in life should have more in law.” To our mind, justice then - as expressed in the law - is the very least that we can give to those who have less, to those who are most vulnerable, to those who are victimized by impunity, wherever they may be in this world.

It is our hope that the Philippines' ratification of the Rome Statute will encourage others, particularly in the Asia-Pacific region, to ratify and become responsible State Parties of the Rome Statute.

This year, six states ratified the Rome Statute, more than at any time since 2002. Of this number, three are from the Asia-Pacific: the Philippines, Maldives, and Vanuatu. This brings to 120 the number of States Parties. We must continue to work hard to achieve universality of the Rome Statute.

Madame President:

The Philippines firmly believes in the importance and value of the International Criminal Court as the first permanent, treaty based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community, particularly genocide, war crimes, crimes against humanity and in the next few years, the crime of aggression.

The Court is that beacon of hope when domestic enforcement mechanisms fail and fade, when those responsible for protecting the dignity and rights of its citizens become its very violators.

In this regard, Madame President, the Philippines believes that due attention and consideration must be given to the following:

First, on the principle of complementarity: For the Philippines, an international legal framework that is complemented with national legislation results in a comprehensive net from which violators will find it more difficult to escape the long arm of the law.

The Philippines is of the view that the Court should assist states devastated by violence to strengthen its domestic capability to devise its own system of protecting its citizens and ending impunity by prosecuting those who are responsible for the crimes committed in its jurisdiction.

In the same manner, States Parties must work to ensure that their respective criminal justice system is transparent, strong and robust as to allow the prosecution of crimes contemplated under the Rome Statute.

Second, on cooperation: The Philippines recognizes the importance of cooperation, particularly for developing countries. Diplomatic and political support, including technical assistance, would be vital in strengthening the capacities of Member States to secure effective implementation of the Rome Statute. This would include, for example training of judges and prosecutors, the police and military.

Third, on victims' participation in the Court: the Philippines is of the view that the first right of victims of mass atrocities is to see that the perpetrators are arrested and that justice is served in the most expeditious manner possible. For indeed, justice delayed is justice denied.

Fourth, on defense: It is fundamental that trials and proceedings before the Court need to be fair and consistent and conducted in a speedy manner. In order for the trials of the Court to be fair and consistent with international human rights standards, the rights of the accused should be protected at all times.

The provisions in the Rome Statute and the other foundational documents of the Court on defense counsel are anchored on the equality of arms principle which simply means that the defense and the prosecution should enter into the legal battle "armed" equally, that is, with equal status before the court, equal access to its resources, and equal support facilities. This is essential if there is to be an adequate defense.

It is the view of the Philippines that "equality of arms" principle should not only be mere rhetoric. The Court should ensure implementation of this principle in order to preserve its integrity and reputation as a court of last resort.

Fifth: on the ICC's engagement with all stakeholders. The Philippines believes that the success of the Court's work and its progress in the fight against impunity can be further enhanced through a positive engagement with the rest of the world.

A world that is aware of the Court's work and its decisions will be able to better appreciate and understand the importance of the Court and of the principles the Court stands for.

In the battle against impunity, it is equally important that the hearts and minds remain aware of the good work being done so as not to become inured to the evils of violence.

In this regard, information is key. Therefore, a comprehensive, coordinated and coherent communications strategy and outreach programs must be carried out in a sustained and cost-effective manner.

And finally, on the Court's budget: The Philippines is fully aware that the success of the Court is hinged on the provision of appropriate resources necessary to effectively carry out its mandate. The Court's budget, therefore, is vital and necessary to the institution's very *raison d'être*.

The Philippines' notes with extreme interest the intensive and extensive discussions on the Court's budget. It is our hope that these will lead the Assembly towards the determination of a course of action on the budget that is fair, reasonable and equitable, bearing in mind the need for the Court to exercise its duties and functions, given its increasing workload and present global financial realities.

Madame President:

To conclude, allow me express once again the Philippines' commitment to positively contribute to the global fight against impunity. We are one with all States Parties in this collective effort. We will do our part as a responsible member of the international community. We stand ready to provide further support within our capabilities and means. We want our message to resonate with real meaning throughout the world: "Never again to impunity." **END**