

Taking *the Most Serious Crimes of International Concern Seriously*

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The Philippines became the 124th State Signatory to the Rome Statute of an International Criminal Court (ICC) on 28 December 2000. The Rome Statute provides for the definition and punishment of the core crimes of genocide, crimes against humanity and war crimes, as well as confers jurisdiction upon the ICC to try, decide and punish those accused of such crimes.

As a state policy, the Philippines adopts the generally accepted principles of law as part of the land. Consequently, the President has the power to enter into treaties and international agreements. Treaties, however, may not override established Philippine laws, and as such, ratification of the Rome Statute requires the concurrence of the Senate in order for it to have binding effect. This Article tackles the issue whether ratification of the Rome Statute may be done sans the need to amend existing penal laws, yet comply with the principles of complementarity and legality.

The Article begins by recounting the events leading up to the signing of the Rome Statute. It traces key moments in history — among them the two World Wars, the Cold War, the collapse of Yugoslavia in 1994 and the massive genocide in Rwanda — that spurred the United Nations effort to establish a permanent International Criminal Court. Next, it provides an account of the Philippines' effort in supporting the creation of the Rome Statute, from the drafting and signing stage, and to the present state of evaluation by the Executive department. From there, it proceeds to an in-depth analysis of the Rome Statute, where the Author discusses the definitions of the core crimes, the jurisdiction of the ICC, and the conflicts that may rise with the country's existing penal legislation.

Arising from this analysis is the Author's conclusion that ratification of the Rome Statute must necessarily be accompanied with legislation that criminalizes genocide, crimes against humanity and war crimes. The Author, however, limits himself to that proposition. Apart from recommending the adoption of certain definitions from Articles 6, 7, and 8 of the Statute, and the adoption of independent offenses connected with the acts listed in the aforementioned articles, the Author refrains from proposing a specific piece of legislation that may be considered by the Senate.