



PHILIPPINES

STATEMENT

AGENDA 78

CRIMES AGAINST HUMANITY

Sixth Committee, 77th session of the United Nations General Assembly

Monday, 10 October 2022
Trusteeship Council Chamber

Thank you, Mr. Chair.

We recognize the necessity to prevent and punish the most serious crimes not covered by any existing international legal framework, citing it as an “important contribution to the international community’s collective efforts to deter and curtail atrocity crimes.” We commend the International Law Commission for the work on the draft articles on prevention and punishment of crimes against humanity, in pursuit of its mandate under the United Nations Charter to encourage the progressive development of international law and its codification.

Nonetheless, the Philippines reiterates the need to further study the draft articles as submitted by the International Law Commission.

This call does not aim to undermine or disregard the pressing concern brought by crimes against humanity, the work of the Commission, and this Committee. On the contrary, it highlights that an initiative of this magnitude and importance take time and careful consideration.

The Philippines subscribes that the prohibition of crimes against humanity is a peremptory norm of international law. For over a decade, the Philippines has had Republic Act No. 9851, or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity. The Act echoes the substantive provisions of the draft articles.

It declares the State policy that the “most serious crimes of concern to the international community as a whole must not go unpunished and their effective prosecution must be ensured by taking measures at the national level...it being the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.”

The Act confers original and exclusive jurisdiction on Philippine regional trial courts over crimes against humanity, punishes persecution against individual, group or collectivity based on their sexual orientation, and provides for command responsibility “as a form of criminal complicity.”

Mechanisms that safeguard human rights and protect against the grave crimes sought to be addressed by the draft articles are already in place in Philippine jurisdiction.

Mr. Chair, as much as we support the objectives of the draft articles, the question of the elaboration of a convention by the General Assembly or by an international conference of plenipotentiaries on the basis of the draft articles needs further deliberation both by Member States on a national level, and by this Committee.

The Philippines have stressed that the Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. Without the required consensus, it cannot be pushed into handing over that mandate to a diplomatic conference.

Thank you.