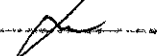


FOURTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 AUG 22 2:44

RECEIVED BY: 

SENATE
P. S. RES. NO. 90

Introduced by Senator M. A. Madrigal

RESOLUTION

CALLING ON PRESIDENT GLORIA MACAPAGAL ARROYO TO FULFILL HER CONSTITUTIONAL DUTY TO TRANSMIT TO THE PHILIPPINE SENATE FOR RATIFICATION THE 1998 ROME STATUTE CREATING THE INTERNATIONAL CRIMINAL COURT (ICC) FOR THE PROSECUTION OF THE GRAVEST CRIMES UNDER INTERNATIONAL LAW

WHEREAS, the **International Criminal Court (ICC)** was established as a permanent tribunal to prosecute individuals for genocide, crimes against humanity, war crimes and the crime of aggression. The court came into being on July 1, 2002, the date its founding treaty, the Rome Statute of the International Criminal Court, entered into force and when it can begin prosecuting crimes committed on or after that date;

WHEREAS, as of August 2007, 105 countries have become members of the Court by ratifying the Rome Statute establishing the ICC, with Japan as the latest state party that acceded to the treaty. At least 139 countries have signed the Rome Statute, an increase from the 120 countries which voted in support of the treaty on July 17, 1998;

WHEREAS, the ICC represents a profound step forward for the indivisible fight for justice and against impunity by ensuring that the most serious crimes against humanity shall not go unpunished when national courts are unable or unwilling to investigate and charge the perpetrators;

WHEREAS, in one of the last acts of his administration, then President Joseph Estrada signed the Rome Statute on December 28, 2000. The signed treaty was then immediately deposited in the United Nations before the December 31, 2000 deadline stated in the Rome Statute;

WHEREAS, since the assumption to power of President Gloria Macapagal Arroyo, no action however has been taken despite repeated calls for the immediate transmittal of the ICC treaty to the Senate for ratification as provided in Article VII, Section 21 of the Philippine Constitution;

WHEREAS, a key factor for the Macapagal-Arroyo administration's inaction has been the United States which has mounted a widespread campaign to oppose, undermine and marginalize the ICC through threats of economic sanctions on countries that would be a party to the ICC and the outright negotiation of bilateral immunity agreements exempting US nationals from ICC jurisdiction;

WHEREAS, on May 13, 2003, the Macapagal-Arroyo government and the United States sealed such a pact – the **RP-US Non-Surrender Agreement** – through Exchange of Notes No. BFO-028-03 which grants immunity to US troops;

WHEREAS, the **RP-US Non-Surrender Agreement** has been assailed as being void *ab initio* and unenforceable law because it is a grave abuse of discretion and which contracts obligations that are immoral and at variance with universally recognized principles of international and national law, including Article VII, Section 21 of the Constitution;

WHEREAS, the Philippines is constitutionally duty bound to adopt the generally accepted principles of international law as part of the law of the land, which includes recognizing, upholding and participating in carrying out the ICC's legitimate and necessary role in the international legal system;

WHEREAS, the ICC is as significant to the Philippines as it is to the world's community of civilized nations because the ICC embodies the objectives and values that must be enforced to contravene and check the country's own unremitting record of human rights violations and the pervasive culture of impunity that political and military officials have long enjoyed without any regard to the tenets of command responsibility, accountability and justice;

WHEREAS, the President is mandated by the Constitution to perform her ministerial duty to transmit the Rome Statute to the Senate, and not prevent the Senate from exercising its constitutional prerogative to concur or not to concur with the ratification of the ICC treaty;

THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED to hereby call on President Gloria Macapagal-Arroyo to fulfill her constitutional duty under Article VII, Section 21 of the Constitution to immediately transmit to the Philippine Senate for ratification the 1998 Rome Statute creating the International Criminal Court (ICC) for the prosecution of the gravest crimes under international law.

Adopted,



M. A. MADRIGAL