


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

)
)
)

7 SEP -6 110 58

SENATE

S. No. 1542

RECEIVED BY: 

Introduced by Senator JUAN MIGUEL F. ZUBIRI

Explanatory Note

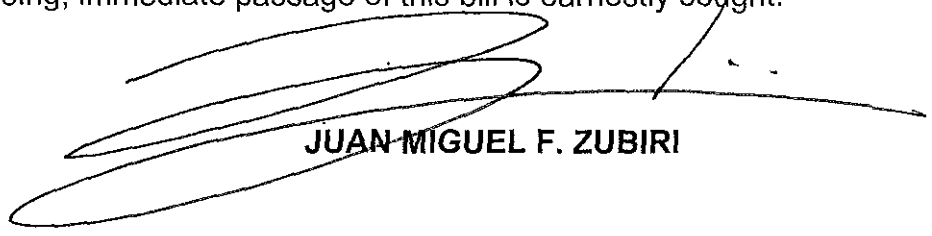
Crimes against humanity have not gone unnoticed. It is not an emerging concept. A brief review of war history would show that it has been there all along. Systematic torture, rape, and genocide are but among the few.

The Nuremburg trial revealed the atrocities against humanity where it was learned that perpetrators of heinous crimes are given asylum in some "friendly" state. If at all, the arrest and immediate trial are hampered by the intricacies of another state's legal system. In the case of the Balkans, systematic elimination of race, religion, and ethnicity were committed by few misguided patriots. In Africa, tribes are fighting against one another in pursuit of supremacy. The details are horrifying.

As in any civilized nation, a multicultural state such as ours must show the meaning of tolerance. And while we are at it, we should be quick to show our intolerance against criminal acts towards other races, cultures, beliefs, and ethnicity. This country must send a message to the world that we cannot tolerate crimes against humanity. We live united not only in peace but in declaring war against those who commit and encourage any form of systematic killing, rape, and torture.

This bill seeks to define and penalize crimes against humanity. It is the expression of our oneness with our brothers and sisters no matter what kind of belief, culture, or race they may have. It strongly impresses to the family of nations that we shall not coddle perpetrators of crimes against humanity. It shows our readiness and willingness to embrace the principles long-cherished by any civilized state.

In view of the foregoing, immediate passage of this bill is earnestly sought.


JUAN MIGUEL F. ZUBIRI

7 SEP -6 AM 58

SENATE

RECEIVED BY: JS

S. No. 1542

Introduced by Senator JUAN MIGUEL F. ZUBIRI

**AN ACT
DEFINING AND PENALIZING CRIMES AGAINST
INTERNATIONAL HUMANITARIAN LAW AND
OTHER SERIOUS INTERNATIONAL CRIMES,
OPERATIONALIZING UNIVERSAL JURISDICTION,
DESIGNATING SPECIAL COURTS, AND FOR OTHER PURPOSES**

PART 1. INTRODUCTORY PROVISIONS

1
2 SECTION 1. *Short Title.* This Act shall be known as the "Philippine Act on
3 Crimes Against International Humanitarian Law and Other Serious International
4 Crimes."

5 SEC. 2 *Declaration of Principles and State Policies.*

6 A. The Philippines renounces war as an instrument of national policy,
7 adopts the generally accepted principles of international law as part of
8 the law of the land and adheres to a policy of peace, equality, justice,
9 freedom, cooperation, and amity with all nations.

10 B. The State values the dignity of every human person and guarantees full
11 respect for human rights, including the rights of indigenous cultural
12 communities and other vulnerable groups.

13 C. The principles, rules and regulations of the Hague Conventions and the
14 Geneva Conventions on warfare and international humanitarian law
15 form part of the law of our nation.

16 D. The most serious crimes of concern to the international community as
17 a whole must not go unpunished and their effective prosecution must
18 be ensured by taking measures at the national level, in order to put an

1 end to impunity for the perpetrators of these crimes and thus contribute
2 to the prevention of such crimes, it being the duty of every State to
3 exercise its criminal jurisdiction over those responsible for international
4 crimes.

5 E. The State shall guarantee persons suspected or accused of grave
6 crimes under international law all rights necessary to ensure that their
7 trials will be fair and prompt in strict accordance with international law
8 and standards for fair trials. It shall also protect victims, witnesses and
9 their families, and provide appropriate redress to victims and their
10 families.

11 **PART 2. DEFINING AND PENALIZING THE MOST SERIOUS**
12 **CRIMES OF INTERNATIONAL CONCERN**

13 SEC. 3. *War Crimes.* War crimes, or crimes against international humanitarian
14 law (IHL), are hereby defined and penalized as follows:

15 A. For the purpose of this Act, “war crimes” *applicable in both international*
16 *and non-international armed conflict* means:

17 1. Grave breaches of the Geneva Conventions of 12 August 1949,
18 namely, any of the following acts against persons or property
19 protected under the provisions of the relevant Geneva Convention:

20 (a) Willful killing;

21 (b) Torture or inhuman treatment, including biological
22 experiments;

23 (c) Willfully causing great suffering, or serious injury to body or
24 health;

25 (d) Extensive destruction and appropriation of property not justified by
26 military necessity and carried out unlawfully and wantonly;

27 (e) Willfully depriving a protected person of the rights of fair and
28 regular trial;

29 (f) Taking of hostages;

30 (g) Launching an attack against works or installations containing
31 dangerous forces in the knowledge that such attack will cause
32 excessive loss of life, injury to civilians or damage to civilian

1 objects, and causing death or serious injury to body or health;
2 and

3 (h) Making non-defended localities and demilitarized zones the
4 object of attack, and causing death or serious injury to body or
5 health.

6 2. Other serious violations of the laws and customs applicable in armed
7 conflict, within the established framework of international law, namely,
8 any of the following acts:

9 (a) Intentionally directing attacks against the civilian population as
10 such or against individual civilians not taking direct part in
11 hostilities;

12 (b) Intentionally directing attacks against civilian objects, that is,
13 objects which are not military objectives;

14 (c) Intentionally directing attacks against buildings, material,
15 medical units and transport, and personnel using the
16 distinctive emblems of the Geneva Conventions in conformity
17 with international law;

18 (d) Intentionally directing attacks against personnel, installations,
19 material, units or vehicles involved in a humanitarian
20 assistance or peacekeeping mission in accordance with the
21 Charter of the United Nations, as long as they are entitled to
22 the protection given to civilians or civilian objects under the
23 international law of armed conflict;

24 (e) Intentionally launching an attack in the knowledge that such
25 attack will cause incidental loss of life or injury to civilians or
26 damage to civilian objects or widespread, long-term and
27 severe damage to the natural environment which would be
28 clearly excessive in relation to the concrete and direct military
29 advantage anticipated;

30 (f) Attacking or bombarding, by whatever means, towns, villages,
31 dwellings or buildings which are undefended and which are
32 not military objectives;

33

- 1 (g) Killing or wounding a combatant who, having laid down his
2 arms or having no longer means of defense, has surrendered
3 at discretion;
- 4 (h) Making improper or perfidious use of a flag of truce, of the flag
5 or of the military insignia and uniform of the enemy or of the
6 United Nations, as well as of the distinctive emblems of the
7 Geneva Conventions or other protective signs under
8 international humanitarian law, resulting in death , serious
9 personal injury or capture;
- 10 (i) Intentionally directing attacks against buildings dedicated to
11 religion, education, art, science or charitable purposes, historic
12 monuments, hospitals and places where the sick and wounded
13 are collected, provided they are not military objectives;
- 14 (j) Subjecting persons who are in the power of an adverse party to
15 physical mutilation or to medical or scientific experiments of any
16 kind, or to removal of tissue or organs for transplantation, which
17 are neither justified by the medical, dental or hospital treatment
18 of the person concerned nor carried out in his or her interest,
19 and which cause death to or seriously endanger the health of
20 such person or persons;
- 21 (k) Killing, wounding or capturing an adversary by resort to perfidy;
- 22 (l) Declaring that no quarter will be given;
- 23 (m) Destroying or seizing the enemy's property unless such
24 destruction or seizure be imperatively demanded by the
25 necessities of war;
- 26 (n) Pillaging a town or place, even when taken by assault;
- 27 (o) Ordering the displacement of the civilian population for reasons
28 related to the conflict, unless the security of the civilians
29 involved or imperative military reasons so demand;
- 30 (p) Committing outrages upon personal dignity, in particular
31 humiliating and degrading treatment;

- 1 (q) Committing rape, sexual slavery, enforced prostitution, forced
2 pregnancy, enforced sterilization, or any other form of sexual
3 violence also constituting a grave breach of the Geneva
4 Conventions;
- 5 (r) Utilizing the presence of a civilian or other protected person to
6 render certain points, areas or military forces immune from
7 military operations;
- 8 (s) Intentionally directing attacks against buildings, material, medical
9 units and transport, and personnel using the distinctive
10 emblems of the Geneva Conventions in conformity with
11 international law;
- 12 (t) Intentionally using starvation of civilians as a method of warfare
13 by depriving them of objects indispensable to their survival,
14 including willfully impeding relief supplies as provided for under
15 the Geneva Conventions;
- 16 (u) Conscripting, enlisting or recruiting children under the age of
17 eighteen years into the national armed forces or using them to
18 participate actively in hostilities.
- 19 (v) Employing poison or poisoned weapons;
- 20 (w) Employing asphyxiating, poisonous or other gases, and all
21 analogous liquids, materials or devices;
- 22 (x) Employing bullets which expand or flatten easily in the human
23 body, such as bullets with a hard envelope which does not
24 entirely cover the core or is pierced with incisions;
- 25 (y) Employing weapons, projectiles and material and methods of
26 warfare which are of a nature to cause superfluous injury or
27 unnecessary suffering or which are inherently indiscriminate in
28 violation of the international law of armed conflict;

29 B. In case of a *non-international armed conflict*, serious violations of
30 Article 3 common to the four Geneva Conventions of 12 August 1949,
31 namely, any of the following acts committed against persons taking no
32 active part in the hostilities, including members of armed forces who

1 have laid down their arms and those placed *hors de combat* by
2 sickness, wounds, detention or any other cause:

- 3 1. Violence to life and person, in particular murder of all kinds,
4 mutilation, cruel treatment and torture;
- 5 2. Committing outrages upon personal dignity, in particular
6 humiliating and degrading treatment;
- 7 3. Taking of hostages;
- 8 4. The passing of sentences and the carrying out of executions
9 without previous judgement pronounced by a regularly
10 constituted court, affording all judicial guarantees which are
11 generally recognized as indispensable.

12 C. In case of an *international armed conflict*, the following grave breaches and
13 serious violations of the laws and customs applicable in international armed
14 conflict, within the established framework of international law, namely any of the
15 following acts:

- 16 1. Killing or wounding treacherously individuals belonging to the
17 hostile nation or army;
- 18 2. Compelling a *prisoner of war* or other protected person to serve
19 in the forces of a hostile Power;
- 20 3. Compelling the nationals of the hostile party to take part in the
21 operations of war directed against their own country, even if
22 they were in the belligerent's service before the commencement
23 of the war;
- 24 4. Unlawful deportation or transfer or unlawful confinement;
- 25 5. The transfer, directly or indirectly, by the Occupying Power of
26 parts of its own civilian population into the territory it occupies, or
27 the deportation or transfer of all or parts of the population of the
28 occupied territory within or outside this territory;
- 29 6. Declaring abolished, suspended or inadmissible in a court of law
30 the rights and actions of the nationals of the hostile party;
- 31 7. Willfully depriving a prisoner of war of the rights of fair and
32 regular trial;

1 8. Unjustifiable delay in the repatriation of prisoners of war or
2 civilians.

3 D. The foregoing provisions applicable to non-international armed
4 conflicts shall not apply to situations of internal disturbances and
5 tensions, such as riots, isolated and sporadic acts of violence or other
6 acts of a similar nature, as not being armed conflicts.

7 E. Nothing in the foregoing provisions shall be invoked for the purpose
8 of affecting the sovereignty of the State or the responsibility of the
9 government to maintain or re-establish law and order in the State or
10 to defend the national unity and territorial integrity of the State, by all
11 means that are lawful under national and international law.

12 F. The application of the preceding provisions shall not affect the legal
13 status of the parties to the conflict.

14 G. Any person who commits any war crime as defined above shall
15 suffer the main penalty of imprisonment for a specified number of
16 years within a range from 15 to 30 years. When justified by the
17 extreme gravity of the crime, especially where it results in deaths
18 and/or serious bodily injuries, and by the individual circumstances of
19 the convicted person, the Court may impose a term within a range
20 from 30 to 40 years.

21 SEC. 4. *Genocide*. Genocide is hereby defined and penalized as follows:

22 A. For the purpose of this Act, "genocide" means any of the following
23 acts committed with intent to destroy, in whole or in part, a national,
24 ethnic, racial, religious, political, social or any similar stable and
25 permanent group, as such:

- 26 1. Killing members of the group;
- 27 2. Causing serious bodily or mental harm to members of the group;
- 28 3. Deliberately inflicting on the group conditions of life calculated to
29 bring about its physical destruction in whole or in part;
- 30 4. Imposing measures intended to prevent births within the group;
- 31 5. Forcibly transferring children of the group to another group.

1 B. Any person who commits genocide as defined above shall suffer the
2 main penalty of imprisonment for a specified number of years within a
3 range from 15 to 30 years. When justified by the extreme gravity of
4 the crime, especially where it results in deaths and/or serious bodily
5 injuries, and by the individual circumstances of the convicted person,
6 the Court may impose a term within a range from 30 to 40 years.

7 SEC. 5. *Crimes Against Humanity.* Crimes against humanity are hereby
8 defined and penalized as follows:

9 A. For the purpose of this Act, "crime against humanity" means any of
10 the following acts when committed as part of a widespread or
11 systematic attack directed against any civilian population, with
12 knowledge of the attack:

- 13 1. Murder;
- 14 2. Extermination;
- 15 3. Enslavement;
- 16 4. Deportation or forcible transfer of population;
- 17 5. Imprisonment or other severe deprivation of physical liberty in
18 violation of fundamental rules of international law;
- 19 6. Torture;
- 20 7. Rape, sexual slavery, enforced prostitution, forced pregnancy,
21 *enforced sterilization, or any other form of sexual violence of*
22 *comparable gravity;*
- 23 8. Persecution against any identifiable group or collectivity on
24 political, racial, national, ethnic, cultural, religious, gender, or other
25 grounds that are universally recognized as impermissible under
26 international law, in connection with any act referred to in this
27 paragraph or any crime within the jurisdiction of the Court;
- 28 9. Enforced disappearance of persons;
- 29 10. The crime of apartheid;
- 30 11. Other inhumane acts of a similar character intentionally causing
31 great suffering, or serious injury to body or to mental or physical
32 health.

1 B. For the purpose of paragraph A:

- 2 1. "Attack directed against any civilian population" means a course of
3 conduct involving the multiple commission of acts referred to in
4 paragraph A against any civilian population, pursuant to or in
5 furtherance of a State or organizational policy to commit such
6 attack;
- 7 2. "Extermination" includes the intentional infliction of conditions of life,
8 inter alia the deprivation of access to food and medicine, calculated
9 to bring about the destruction of part of a population;
- 10 3. "Enslavement" means the exercise of any or all of the powers
11 attaching to the right of ownership over a person and includes the
12 exercise of such power in the course of trafficking in persons, in
13 particular women and children;
- 14 4. "Deportation or forcible transfer of population" means forced
15 displacement of the persons concerned by expulsion or other
16 coercive acts from the area in which they are lawfully present,
17 without grounds permitted under international law;
- 18 5. "Torture" means the intentional infliction of severe pain or suffering,
19 whether physical or mental, upon a person in the custody or under
20 the control of the accused; except that torture shall not include pain
21 or suffering arising only from, inherent in or incidental to, lawful
22 sanctions;
- 23 6. "Forced pregnancy" means the unlawful confinement of a woman
24 forcibly made pregnant, with the intent of affecting the ethnic
25 composition of any population or carrying out other grave violations
26 of international law. This definition shall not in any way be
27 interpreted as affecting national laws relating to pregnancy;
- 28 7. "Persecution" means the intentional and severe deprivation of
29 fundamental rights contrary to international law by reason of the
30 identity of the group or collectivity;
- 31 8. "The crime of apartheid" means inhumane acts of a character
32 similar to those referred to in paragraph A, committed in the
33 context of an institutionalized regime of systematic oppression and

1 domination by one racial group over any other racial group or
2 groups and committed with the intention of maintaining that regime;

3 9. "Enforced disappearance of persons" means the arrest, detention
4 or abduction of persons by, or with the authorization, support or
5 acquiescence of, a State or a political organization, followed by a
6 refusal to acknowledge that deprivation of freedom or to give
7 information on the fate or whereabouts of those persons, with the
8 intention of removing them from the protection of the law for a
9 prolonged period of time.

10 C. For the purpose of this Act, it is understood that the term "gender"
11 refers to the two sexes, male and female, and also to those of gay,
12 lesbian and other sexual orientations, within the context of society. The
13 term "gender" does not indicate any meaning different from the above.

14 D. Any person who commits a crime against humanity as defined above
15 shall suffer the main penalty of imprisonment for a specified number of
16 years within a range from 15 to 30 years. When justified by the
17 extreme gravity of the crime, especially where it results in deaths
18 and/or serious bodily injuries, and by the individual circumstances of
19 the convicted person, the Court may impose a term within a range from
20 30 to 40 years.

21 SEC. 6. *Additional Penalties.* In addition to the main penalty of
22 imprisonment imposed above, the Court may order a commensurate fine under
23 established criteria; and/or a forfeiture of proceeds, property and assets derived
24 directly or indirectly from that crime, without prejudice to the rights of bona fide
25 third parties. The Court shall also impose the corresponding accessory penalties
26 under the Revised Penal Code, especially where the offender is a public officer.

27 **PART 3. SOME PRINCIPLES OF CRIMINAL RESPONSIBILITY**

28 SEC. 7. *Non-Diminution of International Law.* Nothing in this Act shall be
29 interpreted as limiting or prejudicing in any way existing or developing rules of
30 international law for purposes other than this Act.

31 SEC. 8. *Individual Criminal Responsibility.* In addition to existing
32 provisions in Philippine law on principles of criminal responsibility, the following
33 principles shall also be applied:

- 1 A. The appropriate Philippine Courts shall have jurisdiction over natural
2 persons pursuant to this Act.
- 3 B. A person who commits a crime within the jurisdiction of the Court shall
4 be individually responsible and liable for punishment in accordance
5 with this Act.
- 6 C. In accordance with this Act, a person shall be criminally responsible
7 and liable for punishment for a crime within the jurisdiction of the Court
8 if that person:
- 9 1. Commits such a crime, whether as an individual, jointly with another
10 or through another person, regardless of whether that other person
11 is criminally responsible;
 - 12 2. Orders, solicits or induces the commission of such a crime which in
13 fact occurs or is attempted;
 - 14 3. For the purpose of facilitating the commission of such a crime,
15 aids, abets or otherwise assists in its commission or its attempted
16 commission, including providing the means for its commission;
 - 17 4. In any other way contributes to the commission or attempted
18 commission of such a crime by a group of persons acting with a
19 common purpose. Such contribution shall be intentional and shall
20 either:
 - 21 (i) Be made with the aim of furthering the criminal activity or
22 criminal purpose of the group, where such activity or
23 purpose involves the commission of a crime within the
24 jurisdiction of the Court; or
 - 25 (ii) Be made in the knowledge of the intention of the group to
26 commit the crime;
 - 27 5. In respect of the crime of genocide, directly and publicly incites
28 others to commit genocide;
 - 29 6. Attempts to commit such a crime by taking action that commences
30 its execution by means of a substantial step, but the crime does
31 not occur because of circumstances independent of the person's
32 intentions. However, a person who abandons the effort to commit

1 the crime or otherwise prevents the completion of the crime shall
2 not be liable for punishment under this Act for the attempt to
3 commit that crime if that person completely and voluntarily gave up
4 the criminal purpose.

5 D. No provision in this Act relating to individual criminal responsibility
6 shall affect the responsibility of States under international law.

7 SEC. 9. *Irrelevance of Official Capacity.* This Act shall apply equally to all
8 persons without any distinction based on official capacity. In particular, official
9 capacity as a Head of State or Government, a member of a Government or
10 parliament, an elected representative or a government official shall in no case
11 exempt a person from criminal responsibility under this Act, nor shall it, in and of
12 itself, constitute a ground for reduction of sentence. Immunities or special
13 procedural rules which may attach to the official capacity of a person, whether
14 under national or international law, other than the established constitutional
15 immunity from suit of the Philippine President during his/her tenure, shall not bar
16 the Court from exercising its jurisdiction over such a person.

17 SEC. 10. *Responsibility of Commanders and Other Superiors.* In addition to
18 other grounds of criminal responsibility for crimes defined and penalized under this Act:

19 A. A military commander or person effectively acting as a military commander
20 shall be criminally responsible for such crimes committed by forces
21 under his or her effective command and control, or effective authority
22 and control as the case may be, as a result of his or her failure to
23 exercise control properly over such forces, where:

24 1. That military commander or person either knew or, owing to the
25 circumstances at the time, should have known that the forces
26 were committing or about to commit such crimes; and

27 2. That military commander or person failed to take all necessary
28 and reasonable measures within his or her power to prevent or
29 repress their commission or to submit the matter to the
30 competent authorities for investigation and prosecution.

31 B. With respect to superior and subordinate relationships not described in
32 paragraph A, a superior shall be criminally responsible for such crimes
33 committed by subordinates under his or her effective authority and

1 control, as a result of his or her failure to exercise control properly over
2 such subordinates, where:

- 3 1. The superior either knew, or , owing to the circumstances at the
4 time, should have known that the subordinates were committing
5 or about to commit such crimes; and
- 6 2. The superior failed to take all necessary and reasonable
7 measures within his or her power to prevent or repress their
8 commission or to submit the matter to the competent authorities
9 for investigation and prosecution.

10 SEC. 11. *Non-Applicability of Statute of Limitations.* The crimes defined
11 and penalized under this Act, their prosecution, and the execution of sentences
12 imposed on their account, shall not be subject to any statute of limitations.

13 SEC. 12. *Superior Orders.* The fact that a crime defined and penalized
14 under this Act has been committed by a person pursuant to an order of a
15 government or of a superior, whether military or civilian, shall not relieve that
16 person of criminal responsibility unless:

- 17 A. The person was under a legal obligation to obey orders of the
18 government or the superior in question;
- 19 B. The person did not know that the order was unlawful; and
- 20 C. The order was not manifestly unlawful.

21 For the purposes of this section, orders to commit genocide or crimes against
22 humanity are manifestly unlawful.

23 **PART 4. PROVISIONS FOR VICTIMS AND WITNESSES**

24 SEC. 13. *Protection of Victims and Witnesses.* In addition to existing
25 provisions in Philippine law and procedural rules for protection of victims and
26 witnesses, the following measures shall be undertaken:

- 27 A. Philippine courts shall take appropriate measures to protect the safety,
28 physical and psychological well-being, dignity and privacy of victims
29 and witnesses. In so doing, the Court shall have regard to all relevant
30 factors, including age, gender, and health, and the nature of the crime,
31 in particular, but not limited to, where the crime involves sexual or
32 gender violence or violence against children. The Prosecution shall

1 take such measures particularly during the investigation and
2 prosecution of such crimes. These measures shall not be prejudicial to
3 or inconsistent with the rights of the accused and a fair and impartial
4 trial.

5 B. As an exception to the general principle of public hearings, the Court
6 may, to protect the victims and witnesses or an accused, conduct any
7 part of the proceedings *in camera* or allow the presentation of evidence
8 by electronic or other special means. In particular, such measures shall
9 be implemented in the case of a victim of sexual violence or a child who
10 is a victim or is a witness, unless otherwise ordered by the Court,
11 having regard to all the circumstances, particularly the views of the
12 victim or witness.

13 C. Where the personal interests of the victims are affected, the Court shall
14 permit their views and concerns to be presented and considered at
15 stages of the proceedings determined to be appropriate by the Court in
16 a manner which is not prejudicial to or inconsistent with the rights of the
17 accused and a fair and impartial trial. Such views and concerns may be
18 presented by the legal representatives of the victims where the courts
19 consider it appropriate in accordance with the established rules of
20 procedure and evidence.

21 D. Where the disclosure of evidence or information pursuant to this Act
22 may lead to the grave endangerment of the security of a witness or his
23 or her family, the Prosecution may, for the purposes of any proceedings
24 conducted prior to the commencement of the trial, withhold such
25 evidence or information and instead submit a summary thereof. Such
26 measures shall be exercised in a manner which is not prejudicial to or
27 inconsistent with the rights of the accused and a fair and impartial trial.

28 SEC. 14. *Reparations to Victims.* In addition to existing provisions in
29 Philippine law and procedural rules for reparations to victims, the following
30 measures shall be undertaken:

31 A. The Court shall follow principles relating to reparations to, or in respect
32 of, victims, including restitution, compensation and rehabilitation. On
33 this basis, in its decision, the Court may, either upon request or on its
34 own motion in exceptional circumstances, determine the scope and

1 extent of any damage, loss and injury to, or in respect of, victims and
2 will state the principles on which it is acting.

3 B. The Court may make an order directly against a convicted person
4 specifying appropriate reparations to, or in respect of, victims, including
5 restitution, compensation and rehabilitation.

6 C. Before making an order under this section, the Court may invite and
7 shall take account of representations from or on behalf of the convicted
8 person, victims or other interested persons.

9 D. Nothing in this section shall be interpreted as prejudicing the rights of
10 victims under national or international law.

11 **PART 5. RELATIONSHIP WITH OTHER LAWS**

12 SEC. 15. *Relationship with International Law.* In the application and
13 interpretation of this Act, Philippine Courts shall be guided by the following
14 instruments, developments and references in international law:

15 A. The 1949 Geneva Conventions I-IV and their 1977 Additional Protocols
16 I & II;

17 B. The 1954 Hague Convention for the Protection of Cultural Property in
18 the Event of Armed Conflict and its 1999 Second Protocol;

19 C. Customary international humanitarian law;

20 D. The 1948 Genocide Convention;

21 E. The 2000 Optional Protocol to the 1989 Convention on the Rights of
22 the Child on the Involvement of Children in Armed Conflict;

23 F. The 1998 Rome Statute of the International Criminal Court, its
24 Elements of Crimes, and its Rules of Procedure and Evidence;

25 G. International criminal law jurisprudence from various international
26 criminal tribunals;

27 H. Relevant and applicable international human rights instruments and
28 jurisprudence, mainly from the United Nations system; and

29 J. Teachings of the most highly qualified publicists and authoritative
30 commentaries on the foregoing sources as subsidiary means for the
31 determination of rules of law.

1 **PART 7. FINAL PROVISIONS**

2 SEC. 19. *Repealing Clause.* All laws, presidential decrees and issuances,
3 executive orders, rules and regulations or parts thereof inconsistent with the
4 provisions of this Statute are hereby repealed or modified accordingly.

5 SEC. 20. *Separability Clause.* If, for any reason or reasons, any part or
6 provision of this Statute shall be held to be unconstitutional or invalid, other parts
7 or provisions hereof which are not affected thereby shall continue to be in full
8 force and effect.

9 SEC. 21. *Effectivity.* This Act shall take effect fifteen (15) days after its
10 publication in two national newspapers of general circulation. This publication
11 shall not be later seven (7) days after the approval hereof.

12 Approved,
13