



HOUSE OF REPRESENTATIVES

H. No. 6633

BY REPRESENTATIVES GOLEZ, DATUMANONG, RODRIGUEZ, DEFENSOR (M.),
TAÑADA, DE VENECIA, ESCUDERO, LACSON, CHATTO, ABAYA,
BICHARA, MARIANO, JOSON, ILAGAN, TUPAS AND REMULLA, PER
COMMITTEE REPORT NO. 2220

AN ACT DEFINING AND PENALIZING CRIMES AGAINST
INTERNATIONAL HUMANITARIAN LAW, GENOCIDE AND
CRIMES AGAINST HUMANITY, OPERATIONALIZING
UNIVERSAL JURISDICTION, DESIGNATING SPECIAL COURTS,
AND FOR RELATED PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

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CHAPTER I

INTRODUCTORY PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Philippine
Act on Crimes Against International Humanitarian Law, Genocide, and Other
Crimes Against Humanity”.

SEC. 2 *Declaration of Principles and State Policies.* – (a) The
Philippines renounces war as an instrument of national policy, adopts the
generally accepted principles of international law as part of the law of the land

1 and adheres to a policy of peace, equality, justice, freedom, cooperation and
2 amity with all nations.

3 (b) The State values the dignity of every human person and guarantees
4 full respect for human rights, including the rights of indigenous cultural
5 communities and other vulnerable groups.

6 (c) The State adopts the generally accepted principles of international
7 law, including the Hague Conventions of 1907, the Geneva Conventions on the
8 protection of victims of war and international humanitarian law, as part of the
9 law of our nation.

10 (d) The most serious crimes of concern to the international community
11 as a whole must not go unpunished and their effective prosecution must be
12 ensured by taking measures at the national level, in order to put an end to
13 impunity for the perpetrators of these crimes and thus contribute to the
14 prevention of such crimes, it being the duty of every State to exercise its
15 criminal jurisdiction over those responsible for international crimes.

16 (e) The State shall guarantee persons suspected or accused of grave
17 crimes under international law all rights necessary to ensure that their trials will
18 be fair and prompt in strict accordance with international law and standards for
19 fair trials. It shall also protect victims, witnesses and their families, and
20 provide appropriate redress to victims and their families.

21 (f) The State recognizes that the application of the provisions of this
22 Act relative to war crimes or crimes against international humanitarian law
23 shall not affect the legal status of the parties to the conflict.

CHAPTER II

DEFINITION OF TERMS

SEC. 3. For purposes of this Act, the term:

(a) "Apartheid" means inhumane acts committed in the context of an institutionalized regime of systematic oppression and domination by one racial group or groups and committed with the intention of maintaining that regime.

(b) "Armed conflict" means a condition of open hostility between two (2) or more States or between a State and an aggressive force. It means any use of force or armed violence which gives rise, or may give rise, to a situation to which the Geneva Conventions of 1949, including their common Article 3, apply. It does not cover internal disturbances or tensions such as riots, isolated and sporadic acts of violence or other acts of a similar nature. Armed conflict may be:

(1) "International armed conflict" means an armed conflict which may arise between two (2) or more States, including belligerent occupation.

(2) "Non-international armed conflict" means protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.

(c) "Armed forces" means all organized armed forces, groups and units that belong to a party to an armed conflict which are under a command responsible to that party for the conduct of its subordinates. Such armed forces shall be subject to an internal disciplinary system which enforces compliance with international humanitarian law.

(d) "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts referred to in paragraph (a) against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.

1 (e) "Authority and control" means having the right or permission to act
2 legally on another's behalf and directing the management of policies of a
3 person or over another.

4 (f) "Command and control" means the exercise of authority and
5 direction by a properly designated commanding officer over assigned and
6 attached forces in the accomplishment of the mission. These are performed
7 through an arrangement of personnel, equipment, communications, facilities,
8 and procedures employed by a commander in planning, directing,
9 coordinating, and controlling forces and operations in the accomplishment of
10 the mission.

11 (g) "Dangerous forces" means forces, which when released as a result
12 of attack, will cause severe damage and losses among the civilian population,
13 such as those coming from dams, dikes, nuclear/hydro/electrical generating
14 stations which must always bear the appropriate distinctive sign.

15 (h) "Deportation or forcible transfer of population" means force
16 displacement of the persons concerned by expulsion or other coercive acts
17 from the area in which they are lawfully present, without grounds permitted
18 under international law.

19 (i) "Effective control over subordinates" means having the material
20 ability to prevent and punish the commission of offences by such subordinates.

21 (j) "Enforced or involuntary disappearance of persons" means the
22 arrest, detention, or abduction of persons by, or with the authorization, support
23 or acquiescence of, a State or a political organization followed by a refusal to
24 acknowledge that deprivation of freedom or to give information on the fate or
25 whereabouts of those persons, with the intention of removing them from the
26 protection of the law for a prolonged period of time.

27 (k) "Enslavement" means the exercise of any or all of the powers
28 attaching to the right of ownership over a person and includes the exercise of

1 such power in the course of trafficking in persons, in particular women and
2 children.

3 (l) "Extermination" means the intentional infliction of conditions of
4 life, *inter alia*, the deprivation of access to food and medicine, calculated to
5 bring about the destruction of a part of a population.

6 (m) "Forced pregnancy" means the unlawful confinement of a woman
7 to be forcibly made pregnant, with the intent of affecting the ethnic
8 composition of any population or carrying out other grave violations of
9 international law. This definition shall not in any way be interpreted as
10 affecting national laws relating to pregnancy.

11 (n) "Hors de combat" means a soldier or a combatant who: (1) are in
12 the power of an adverse party; (2) clearly express an intention to surrender;
13 and (3) has been rendered unconscious or is otherwise incapacitated by wounds
14 or sickness, and is therefore incapable of defending himself/herself: *Provided*,
15 That in any of these cases wherein he/she abstains from any hostile act and
16 does not attempt to escape, he/she may not be made the object of attack.

17 (o) "Military commander" means a commander in the armed forces of a
18 State.

19 (p) "Military necessity" means the necessity of those measures which
20 are indispensable to achieve a legitimate aim of the conflict and are not
21 otherwise prohibited by international humanitarian law.

22 (q) "No quarter" means refusing to spare the life of anybody, even of
23 persons manifestly unable to defend themselves or who clearly express their
24 intention to surrender.

25 (r) "Perfidy" means acts which invite the confidence of an adversary to
26 lead him/her to believe he/she is entitled to, or is obliged to accord, protection
27 under the rules of international law applicable in armed conflicts, with intent to
28 betray the confidence. The following acts are examples of perfidy:

1 (1) feigning an intent to negotiate under a flag of truce; (2) feigning surrender;
2 (3) feigning incapacitation by wounds or sickness; (4) feigning civilian or
3 noncombatant status; (5) feigning protective status by use of signs, emblems or
4 uniforms of the United Nations or of a neutral or other State not party to the
5 conflict; and (6) making improper use of the emblem of the Red Cross or Red
6 Crescent.

7 (s) "Persecution" means the intentional and severe deprivation of
8 fundamental rights contrary to international law by reason of identity of the
9 group or collectivity.

10 (t) "Protected person" in an internal armed conflict means: (1) a
11 person wounded, sick and shipwrecked, whether civilian or military; (2) a
12 prisoner of war; (3) a civilian in the power of the aggressed party; (4) a person
13 who, before the beginning of hostilities, was considered a stateless person or
14 refugee under the relevant international instruments accepted by the parties to
15 the conflict concerned or under the national legislation of the state of refuge or
16 state of residence; (5) a member of the medical personnel assigned exclusively
17 to medical purposes or to the administration of medical units or to the
18 operation of medical transports; or (6) a member of the religious personnel
19 who is exclusively engaged in the work of their ministry and attached to the
20 armed forces of a party to the conflict, its medical units or medical transports
21 and nonconfrontational, noncombatant military personnel carrying out
22 functions similar to religious personnel. In a non-international armed conflict,
23 a protected person means: (i) a person wounded, sick or shipwrecked whether,
24 civilian or military; (ii) a person not taking active part in hostilities under the
25 power of the adversary; or (iii) a member of the armed forces of the parties to
26 the conflict who has laid down his/her arms or who does not possess any means
27 of defense.

1 (u) "Torture" means the intentional infliction of severe pain or
2 suffering, whether physical, mental, psychological and pharmacological, upon
3 a person in the custody or under the control of the accused; except that torture
4 shall not include pain or suffering arising only from, inherent in or incidental
5 to, lawful sanctions.

6 CHAPTER III

7 CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW, GENOCIDE AND 8 CRIMES AGAINST HUMANITY

9
10 SEC. 4. *War Crimes.* – War crimes, or crimes against international
11 humanitarian law (IHL), are hereby defined and penalized as follows:

12 (a) For the purpose of this Act, "war crimes" means:

13 (1) In case of an international armed conflict, grave breaches of the
14 Geneva Conventions of 12 August 1949, namely, any of the following acts
15 against persons or property protected under the provisions of the relevant
16 Geneva Convention:

17 (i) Willful killing;

18 (ii) Torture or inhuman treatment, including biological experiments;

19 (iii) Willfully causing great suffering, or serious injury to body or
20 health;

21 (iv) Extensive destruction and appropriation of property not justified
22 by military necessity and carried out unlawfully and wantonly;

23 (v) Willfully depriving a prisoner of war or other protected person of
24 the rights of fair and regular trial;

25 (vi) Transferring, directly or indirectly, by the occupying power of
26 parts of its own civilian population into the territory it occupies, or the
27 deportation or transfer of all or parts of the population of the occupied territory
28 within or outside this territory; or unlawful confinement;

29 (vii) Taking of hostages;

1 (viii) Compelling a prisoner of war or other protected person to serve in
2 the forces of a hostile power; and

3 (ix) Unjustifiable delay in the repatriation of prisoners of war or other
4 protected persons.

5 (2) In case of a non-international armed conflict, serious violations of
6 common Article 3 to the four (4) Geneva Conventions of 12 August 1949,
7 namely, any of the following acts committed against persons taking no active
8 part in the hostilities, including members of the armed forces who have laid
9 down their arms and those placed *hors de combat* by sickness, wounds,
10 detention or any other cause:

11 (i) Violence to life and person, in particular, murder of all kinds,
12 mutilation, cruel treatment and torture;

13 (ii) Committing outrages upon personal dignity, in particular,
14 humiliating and degrading treatment;

15 (iii) Taking of hostages; and

16 (iv) The passing of sentences and the carrying out of executions
17 without previous judgment pronounced by a regularly constituted court,
18 affording all judicial guarantees which are generally recognized as
19 indispensable.

20 (3) Other serious violations of the laws and customs applicable in
21 armed conflict, within the established framework of international law, namely,
22 any of the following acts:

23 (i) Intentionally directing attacks against the civilian population as
24 such or against individual civilians not taking direct part in hostilities;

25 (ii) Intentionally directing attacks against civilian objects, that is,
26 objects which are not military objectives;

1 (iii) Intentionally directing attacks against buildings, material, medical
2 units and transport, and personnel using the distinctive emblems of the Geneva
3 Conventions or Additional Protocol III in conformity with international law;

4 (iv) Intentionally directing attacks against personnel, installations,
5 material, units or vehicles involved in a humanitarian assistance or
6 peacekeeping mission in accordance with the Charter of the United Nations, as
7 long as they are entitled to the protection given to civilians or civilian objects
8 under the international law of armed conflict;

9 (v) Launching an attack in the knowledge that such attack will cause
10 incidental loss of life or injury to civilians or damage to civilian objects or
11 widespread, long-term and severe damage to the natural environment which
12 would be excessive in relation to the concrete and direct military advantage
13 anticipated;

14 (vi) Launching an attack against works or installations containing
15 dangerous forces in the knowledge that such attack will cause excessive loss of
16 life, injury to civilians or damage to civilian objects, and causing death or
17 serious injury to body or health;

18 (vii) Attacking or bombarding, by whatever means, towns, villages,
19 dwellings or buildings which are undefended and which are not military
20 objectives, or making non-defended localities or demilitarized zones the object
21 of attack;

22 (viii) Killing or wounding a person in the knowledge that he/she is *hors*
23 *de combat*, including a combatant who, having laid down his/her arms or no
24 longer having means of defense, has surrendered at discretion;

25 (ix) Making improper use of a flag of truce, of the flag or the military
26 insignia and uniform of the enemy or of the United Nations, as well as of the
27 distinctive emblems of the Geneva Conventions or other protective signs under

1 international humanitarian law, resulting in death, serious personal injury or
2 capture;

3 (x) Intentionally directing attacks against buildings dedicated to
4 religion, education, art, science or charitable purposes, historic monuments,
5 hospitals and places where the sick and wounded are collected, provided they
6 are not military objectives;

7 (xi) Subjecting persons who are in the power of an adverse party to
8 physical mutilation or to medical or scientific experiments of any kind, or to
9 removal of tissue or organs for transplantation, which are neither justified by
10 the medical, dental or hospital treatment of the person concerned nor carried
11 out in his/her interest, and which cause death to or seriously endanger the
12 health of such person or persons;

13 (xii) Killing, wounding or capturing an adversary by resort to perfidy;

14 (xiii) Declaring that "no quarter" will be given;

15 (xiv) Destroying or seizing the enemy's property unless such
16 destruction or seizure is imperatively demanded by the necessities of war;

17 (xv) Pillaging a town or place, even when taken by assault;

18 (xvi) Ordering the displacement of the civilian population for reasons
19 related to the conflict, unless the security of the civilians involved or
20 imperative military reasons so demand;

21 (xvii) Committing outrages upon personal dignity, in particular,
22 humiliating and degrading treatment;

23 (xviii) Committing rape, sexual slavery, enforced prostitution, forced
24 pregnancy, enforced sterilization, or any other form of sexual violence also
25 constituting a grave breach of the Geneva Conventions or a serious violation of
26 common Article 3 to the Geneva Conventions;

27 (xix) Utilizing the presence of a civilian or other protected person to
28 render certain points, areas or military forces immune from military operations;

1 (xx) Intentionally using starvation of civilians as a method of warfare
2 by depriving them of objects indispensable to their survival, including
3 willfully impeding relief supplies as provided for under the Geneva
4 Conventions and their Additional Protocols;

5 (xxi) Conscripting, enlisting or recruiting children under the age of
6 eighteen (18) years into the national armed forces or using them to participate
7 actively in hostilities;

8 (xxii) In an international armed conflict, compelling the nationals of
9 the hostile party to take part in the operations of war directed against their own
10 country, even if they were in the belligerent's service before the
11 commencement of the war;

12 (xxiii) In an international armed conflict, declaring abolished,
13 suspended or inadmissible in a court of law the rights and actions of the
14 nationals of the hostile party; and

15 (xxiv) Employing means of warfare which are prohibited under
16 international law, including:

17 (aa) Poison or poisoned weapons;

18 (bb) Asphyxiating, poisonous or other gases, and all analogous
19 liquids, materials or devices;

20 (cc) Bullets which expand or flatten easily in the human body, such
21 as bullets with hard envelopes which do not entirely cover the core or are
22 pierced with incisions; and

23 (dd) Weapons, projectiles and material and methods of warfare
24 which cause superfluous injury or unnecessary suffering or which are
25 inherently indiscriminate in violation of the international law of armed conflict.

26 SEC. 5. *Genocide*. – For the purpose of this Act, “genocide” means any
27 of the following acts with intent to destroy, in whole or in part, a national,

1 ethnic, racial, religious, social or any other similar stable and permanent group,
2 such as:

3 (a) Killing members of the group;

4 (b) Causing serious bodily or mental harm to members of the group;

5 (c) Deliberately inflicting on the group conditions of life calculated to
6 bring about its physical destruction in whole or in part;

7 (d) Imposing measures intended to prevent births within the group; and

8 (e) Forcibly transferring children of the group to another group.

9 SEC. 6. *Crimes Against Humanity.* – For the purpose of this Act,
10 “crime against humanity” means any of the following acts when committed as
11 part of a widespread or systematic attack directed against any civilian
12 population, with knowledge of the attack:

13 (a) Willful killing;

14 (b) Extermination;

15 (c) Enslavement;

16 (d) Deportation or forcible transfer of population;

17 (e) Imprisonment or other severe deprivation of physical liberty in
18 violation of fundamental rules of international law;

19 (f) Torture;

20 (g) Rape, sexual slavery, enforced prostitution, forced pregnancy,
21 enforced sterilization, or any other form of sexual violence of comparable
22 gravity;

23 (h) Persecution against any identifiable group or collectivity on
24 political, racial, national, ethnic, cultural, religious, gender, sexual orientation
25 or other grounds that are universally recognized as impermissible under
26 international law, in connection with any act referred to in this paragraph or
27 any crime defined in this Act;

28 (i) Enforced disappearance of persons;

1 (j) The crime of apartheid; and

2 (k) Other inhumane acts of a similar character intentionally causing
3 great suffering, or serious injury to body or to mental or physical health.

4 CHAPTER IV

5 PENAL PROVISIONS

6 SEC. 7. *Penalties.* – Any person found guilty of violating Sections 4, 5
7 and 6 of this Act shall suffer the penalty of *reclusion temporal* in its medium
8 period. When justified by the extreme gravity of the crime, especially where
9 the commission of any of the crimes specified herein results in deaths and/or
10 serious bodily injuries and considering the individual circumstances of the
11 accused, the penalty of *reclusion perpetua* shall be imposed.

12 In addition to the penalty prescribed herein, the court may order a
13 commensurate fine under established criteria; and/or a forfeiture of proceeds,
14 property and assets derived directly or indirectly from that crime, without
15 prejudice to the rights of bona fide third (3rd) parties. The court shall also
16 impose the corresponding accessory penalties under the Revised Penal Code,
17 especially where the offender is a public officer.

18 CHAPTER V

19 SOME PRINCIPLES OF CRIMINAL RESPONSIBILITY

20 SEC. 8. *Individual Criminal Responsibility.* – In addition to existing
21 provisions in Philippine law on principles of criminal responsibility, a person
22 shall be criminally responsible and liable for punishment for a crime defined in
23 this Act if that person:

24 (a) Commits such a crime, whether as an individual, jointly with
25 another or through another person, regardless of whether that other person is
26 criminally responsible;

27 (b) Orders, solicits or induces the commission of such a crime which in
28 fact occurs or is attempted;

1 (c) For the purpose of facilitating the commission of such a crime, aids,
2 abets or otherwise assists in its commission or its attempted commission,
3 including providing the means for its commission;

4 (d) In any other way contributes to the commission or attempted
5 commission of such a crime by a group of persons acting with a common
6 purpose. Such contribution shall be intentional and shall either:

7 (1) Be made with the aim of furthering the criminal activity or criminal
8 purpose of the group, where such activity or purpose involves the commission
9 of a crime defined in this Act; or

10 (2) Be made in the knowledge of the intention of the group to commit
11 the crime.

12 (e) In respect to the crime of genocide, directly and publicly incites
13 others to commit genocide; and

14 (f) Attempts to commit such a crime by taking action that commences
15 its execution by means of a substantial step, but the crime does not occur
16 because of circumstances independent of the person's intentions. However, a
17 person who abandons the effort to commit the crime or otherwise prevents the
18 completion of the crime shall not be liable for punishment under this Act for
19 the attempt to commit that crime if that person completely and voluntarily gave
20 up the criminal purpose.

21 SEC. 9. *Irrelevance of Official Capacity.* – This Act shall apply equally
22 to all persons without any distinction based on official capacity. In particular,
23 official capacity as a head of State or government, a member of a government
24 or parliament, an elected representative or a government official shall in no
25 case exempt a person from criminal responsibility under this Act, nor shall it,
26 in and of itself, constitute a ground for reduction of sentence. However:

27 (a) Immunities or special procedural rules that may be attached to the
28 official capacity of a person under Philippine law other than the established

1 constitutional immunity from suit of the Philippine President during his/her
2 tenure, shall not bar the court from exercising its jurisdiction over such a
3 person; and

4 (b) Immunities that may be attached to the official capacity of a person
5 under international law may limit the application of this Act, but only within
6 the bounds established under international law.

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

10 (a) A military commander or person effectively acting as a military
11 commander shall be criminally responsible for such crimes committed by
12 forces under his/her effective command and control, or effective authority and
13 control as the case may be, as a result of his/her failure to exercise control
14 properly over such forces, where:

15 (1) That military commander or person either knew or, owing to the
16 circumstances at the time, should have known that the forces were committing
17 or were about to commit such crimes; and

18 (2) That military commander or person failed to take all necessary and
19 reasonable measures within his/her power to prevent or repress their
20 commission or to submit the matter to the competent authorities for
21 investigation and prosecution.

22 (b) With respect to superior and subordinate relationships not
23 described in paragraph (a), a superior shall be criminally responsible for such
24 crimes committed by subordinates under his/her effective authority and
25 control, as a result of his/her failure to exercise control properly over such
26 subordinates, where:

1 (1) The superior either knew, or, owing to the circumstances at the
2 time, should have known that the subordinates were committing or about to
3 commit such crimes; and

4 (2) The superior failed to take all necessary and reasonable measures
5 within his/her power to prevent or repress their commission or to submit the
6 matter to the competent authorities for investigation and prosecution.

7 SEC. 11. *Nonprescription.* – The crimes and penalties defined under
8 this Act shall not be subject to any prescription.

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

13 (a) The person was under a legal obligation to obey orders of the
14 government or the superior in question;

15 (b) The person did not know that the order was unlawful; and

16 (c) The order was not manifestly unlawful.

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

19 CHAPTER VI

20 PROTECTION OF VICTIMS AND WITNESSES

21 SEC. 13. *Protection of Victims and Witnesses.* – In addition to existing
22 provisions in Philippine law for the protection of victims and witnesses, the
23 following measures shall be undertaken:

24 (a) The court shall take appropriate measures to protect the safety,
25 physical and psychological well-being, dignity and privacy of victims and
26 witnesses. In so doing, the court shall have regard of all relevant factors,
27 including age, gender and health, and the nature of the crime, in particular, but
28 not limited to, where the crime involves sexual or gender violence or violence

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

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

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

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

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

1 (a) The court shall follow principles relating to reparations to, or in
2 respect of, victims, including restitution, compensation and rehabilitation. On
3 this basis, in its decision, the court may, either upon request or on its own
4 motion in exceptional circumstances, determine the scope and extent of any
5 damage, loss and injury to, or in respect of, victims and will state the principles
6 on which it is acting;

7 (b) The court may make an order directly against a convicted person
8 specifying appropriate reparations to, or in respect of, victims, including
9 restitution, compensation and rehabilitation; and

10 (c) Before making an order under this section, the court may invite and
11 shall take account of representations from or on behalf of the convicted person,
12 victims or other interested persons.

13 Nothing in this section shall be interpreted as prejudicing the rights of
14 victims under national or international law.

15 CHAPTER VII

16 APPLICABILITY OF INTERNATIONAL LAW AND OTHER LAWS

17 SEC. 15. *Applicability of International Law.* – In the application and
18 interpretation of this Act, Philippine courts shall be guided by the following
19 instruments, developments and references in international law:

20 (a) The 1948 Genocide Convention;

21 (b) The 1949 Geneva Conventions I-IV and their 1977 Additional
22 Protocols I, II and III;

23 (c) The 1954 Hague Convention for the Protection of Cultural Property
24 in the Event of Armed Conflict, its (First) Protocol and its 1999 Second
25 Protocol;

26 (d) The 2000 Optional Protocol to the 1989 Convention on the Rights
27 of the Child on the Involvement of Children in Armed Conflict;

1 (e) The 1998 Rome Statute of the International Criminal Court, its
2 Elements of Crimes, and its Rules of Procedure and Evidence;

3 (f) The rules and principles of customary international humanitarian
4 law;

5 (g) The judicial decisions of international courts and tribunals;

6 (h) Relevant and applicable international human rights instruments and
7 jurisprudence, mainly from the United Nations system; and

8 (i) Teachings of the most highly qualified publicists and authoritative
9 commentaries on the foregoing sources as subsidiary means for the
10 determination of rules of law.

11 SEC. 16. *Supplementary Application of the Revised Penal Code and Other*
12 *General or Special Laws.* – The provisions of the Revised Penal Code and
13 other general or special laws shall have a supplementary application to the
14 provisions of this Act.

15 CHAPTER VIII

16 JURISDICTION

17 SEC. 17. *Jurisdiction.* – Philippine courts shall have jurisdiction over
18 persons, whether military or civilian, suspected or accused of the crimes
19 defined in this Act, regardless of the nationality of the suspect or the accused,
20 the nationality of the victims or where the crime was committed, and even if
21 the act posed no direct threat to the State's own particular security interests.

22 However, if the crime took place in the territory of another State,
23 involved suspects, accused or victims who are not nationals or residents of the
24 Philippines, or posed no direct threat to the State's own particular security
25 interests, the competent Philippine national authorities may dispense with
26 prosecuting such a crime and, in lieu thereof, surrender the suspected or
27 accused person to the competent international court, if any, or to another State
28 which has made out a *prima facie* case.

1 SEC. 18. *Philippine Courts, Prosecutors and Investigators.* – The
 2 Regional Trial Courts of the Philippines shall have original and exclusive
 3 jurisdiction over the international crimes punishable under this Act. Their
 4 judgments may be appealed or elevated to the Court of Appeals and to the
 5 Supreme Court as provided by law.

6 The competent instrumentalities of the State, namely: the Supreme
 7 Court, the Department of Justice, the Commission on Human Rights, and other
 8 law enforcement agencies such as the Philippine National Police shall
 9 respectively designate special courts, prosecutors and investigators to
 10 investigate, prosecute and try, as the case may be, crimes under this Act. The
 11 special courts refer to designated branches of the Regional Trial Court and
 12 designated divisions of the Court of Appeals.

13 The State shall ensure that judges, prosecutors and investigators,
 14 especially those designated for purposes of this Act, receive effective training
 15 in human rights, international humanitarian law and international criminal law.

16 CHAPTER IX

17 FINAL PROVISIONS

18 SEC. 19. *Separability Clause.* – If, for any reason or reasons, any part
 19 or provision of this Statute shall be held to be unconstitutional or invalid, other
 20 parts or provisions hereof which are not affected thereby shall continue to be in
 21 full force and effect.

22 SEC. 20. *Repealing Clause.* – All laws, presidential decrees and
 23 issuances, executive orders, rules and regulations or parts thereof inconsistent
 24 with the provisions of this Statute are hereby repealed or modified accordingly.

25 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after
 26 its complete publication in two (2) newspapers of general circulation.

Approved,