Republic Act No. 9851
Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity

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RA 9851

- signed on 11 December 2009; came into effect in 2010

- penalizes crimes Against IHL, Genocide & Other Crimes Against Humanity

- Covers both International Armed Conflict (IAC) and Non-International Armed Conflict (NIAC)

- Both parties to the conflict are held responsible for violations of IHL
RA 9851

- Regional Trial Courts have jurisdiction
  - a case can be filed anywhere in the Philippines

- Violations are imprescriptible
Prohibited Acts in NIAC:

- committing violence to life and person – willful killings, mutilation, cruel treatment and torture
- committing outrages upon personal dignity – humiliating and degrading treatment
- taking of hostages
- passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court
Prohibited Acts in NIAC:

- intentionally directing attacks against the civilian population and civilian objects
- intentionally directing attacks against buildings, medical units and transports, personnel using the Red Cross/Crescent/Crystal emblems
- launching an attack in the knowledge that it will cause widespread, long term and severe damage to the natural environment
Prohibited Acts in NIAC:

- launching an attack against works or installations containing dangerous forces
- attacking by whatever means towns, villages, dwellings or buildings which are not military objectives
- killing or wounding a person that is *hors de combat*
- perfidy
- intentionally directing attacks against buildings dedicated to religion, education, art, science, charitable purposes, historic monuments, hospitals that are not military objectives
Prohibited Acts in NIAC:

- subjecting persons to physical mutilation or to medical or scientific experiments, or to removal of tissue or organs for transplantation
- pillaging a town or place
- ordering the displacement of civilian population, unless security of civilians and imperative military reasons so demand
- employing means of warfare which are prohibited under IHL
Command responsibility

- There is **individual criminal responsibility**

- *Responsibility of Superiors.* - a superior shall be criminally responsible as a principal for such crimes committed by subordinates, where:
  - (a) That superior either knew or, owing to the circumstances at the time, should have known that the subordinates were committing or about to commit such crimes;
  - (b) That superior failed to take all necessary and reasonable measures within his/her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.
Penal Provisions

- *Reclusion Temporal* (12 years and one day to 20 years imprisonment) and a fine from PhP100,000 to PhP500,000

- *Reclusion Perpetua* (20 years and one day to 40 years imprisonment) and a fine from PhP500,000 to PhP1,000,000 – *when violation results to death, serious bodily injury or rape*
The ICRC acts as a point of reference on IHL, providing technical support to legislators, but plays NO ROLE in the prosecution and punishment of crimes covered by RA 9851.
Republic Act 10530
Act Defining the Use and Protection of the Red Cross, Red Crescent and Red Crystal Emblems, Providing Protection for Violations Thereof
RA 10530

The Red Cross and Other Emblems Act

- Came into effect on June 2013
USE OF THE EMBLEMS

Two uses

- Protective – in armed conflict
  - visible sign of protection
  - should be as large as possible with no other information

- Indicative – mainly in peace time
  - shows link to the Movement
  - small and must bear additional information
Protective Use by AFP Medical Service and Religious Personnel

AFP Medical Personnel
- can use the emblem in both peacetime and times of armed conflict to identify its medical personnel, units and transports on the ground, sea, air
- AFP Medical personnel shall wear armlets and carry identity cards displaying the Red Cross emblem

AFP Religious Personnel
- shall be afforded the same protection
- shall be identified in the same way
Use by Hospitals and other Civilian Medical Units and Transports

- DOH in consultation with the PRC shall authorize the use of the Red Cross emblem – only in times of armed conflict

- DND shall authorize medical personnel, units and transports of uniformed personnel in government other than the AFP to be marked with the emblem – only in times of armed conflict
Use by the PRC, ICRC and IFRC

- **PRC**
  - is authorized to use the emblem as a protective device for its medical personnel and units

- **ICRC and IFRC**
  - may make use of the emblems **at any time** and for all their activities
Control and Penalties

- DND, DOH and DTI shall ensure strict compliance
  - take appropriate steps to prevent misuse
  - disseminate the rules as widely as possible among the armed forces, police, government agencies and civilian population

- PRC shall cooperate with DND, DOH, DTI in their efforts to prevent/repress misuse
Control and Penalties

- **Misuse** defined as:
  - willfully and without entitlement
    - make use of the Red Cross, Red Crescent, Red Crystal emblems
    - Make use of the words Red Cross, Red Crescent, Red Crystal
    - make use of the translations of the words Red Cross, Red Crescent and Red Crystal in any official language and dialect
  - irrespective of the purpose of such use
Penalties

- Ordinary Misuse – does not result in death or serious bodily harm
  - *Arresto Mayor* (1 month and one day to 6 months imprisonment)
  - PhP50,000 fine

- Misuse results in death or serious bodily harm
  - *Reclusion Perpetua* (20 years and one day to 40 years imprisonment)
  - PhP500,000 to PhP1,000,000 fine
Thank you!

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