

[PROCLAMATION NO. 259, February 16, 1956]

MAKING PUBLIC THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE, DECEMBER 9, 1948.

WHEREAS, the Convention on the Prevention and Punishment of the Crime of Genocide, as approved by the General Assembly of the United Nations during its Third Session on December 9, 1948, was signed by the authorized representative of the Philippines on December 11, 1948;

WHEREAS, the Senate of the Congress of the Philippines, by its Resolution No. 9 adopted on February 28, 1950, concurred in the ratification by the President of the Philippines of the aforesaid Convention in accordance with the Constitution of the Philippines, subject to the following reservations:

"1. With reference to Article IV of the Convention, the Philippine Government cannot sanction any situation which would subject its Head of State, who is not a ruler, to conditions less favorable than those accorded other Heads of State, whether constitutionally responsible rulers or not. The Philippine Government does not consider said Article, therefore, as overriding the existing immunities from judicial processes guaranteed certain public officials by the Constitution of the Philippines.

"2. With reference to Article VII of the Convention, the Philippine Government does not undertake to give effect to the said Article until the Congress of the Philippines has enacted the necessary legislation defining and punishing the crime of genocide, which legislation, under the Constitution of the Philippines, cannot have any retroactive effect.

"3. With reference to Article VI and IX of the Constitution, the Philippine Government takes the position that nothing contained in the said Article shall be construed as depriving Philippine courts of jurisdiction over all cases of genocide committed within Philippine territory save only in those cases where the Philippine Government consents to have the decision of the Philippine courts reviewed by either of the international tribunals referred to in said Articles. With further reference to Article IX of the Convention, the Philippine Government does not consider said Article to extend the concept of State responsibility beyond that recognized by the generally accepted principles of international law."

WHEREAS, the instrument of ratification of the Republic of the Philippines, subject to the above-quoted reservations, was signed by the President on June 23, 1950 and deposited on July 7, 1950 with the Secretary-General of the United Nations:

WHEREAS, the Convention entered into force on January 12, 1951, ninety days following the date of deposit of the twentieth instrument of ratification or accession, that is on October 14, 1950, in accordance with Article XIII thereof; and,

WHEREAS, as regards the Philippines, the Convention entered into force on January 12, 1951, having deposited its instrument of ratification on July 7, 1950;