

The Philippines: Cooperate with the International Criminal Court on the process of preliminary examination into alleged crimes in drug war

(Bangkok, 9 February 2018) - The Asian Forum for Human Rights and Development (FORUM-ASIA) welcomes the move of the International Criminal Court (ICC) to proceed with the preliminary examination of complaints in relation to alleged crimes falling within its jurisdiction under the 'war on drugs' in the Philippines. It was confirmed by the Prosecutor of the ICC, Mrs. Fatou Bensouda on 8 February 2018¹. The decision has been welcomed by human rights advocates, and the Commission on Human Rights of the Philippines has expressed its readiness to assist with the process, if requested². FORUM-ASIA urges the Government of the Philippines, as a State Party to the Rome Statute of the ICC, to respect the decision of the ICC and fulfil its international obligation by fully cooperating with the Court within its jurisdiction.

Since President Duterte took office in 2016, he has launched a 'war on drugs', resulting in intensified extrajudicial violence, forced disappearances, causing more than 12,000 deaths³. In addition, the lives of human rights defenders, advocates, and journalists are at risk due to President Duterte's anti-human rights rhetoric, repressive laws, and the high level of impunity in the country. President Duterte and his congressional allies' intimidation to the judiciary and the increased restrictions on freedom of expression have severely hindered the justice and democracy system of the country.

The deteriorating human rights situation in the Philippines has not only drawn condemnation from the international community⁴, but has also received criticism from local activists. According to the online news agency Rappler⁵, the complaint against President Duterte and at least 11 senior officials was submitted to the ICC by Filipino lawyer Jude Sabio in April 2017, for the alleged mass murder in the Philippines. The lawyer requested the ICC to 'commit President Rodrigo Duterte and his senior government officials to the Trial Chamber for trial and that the Trial Chamber in turn, after trial, convict them and sentence them to corresponding prison sentence or life imprisonment.⁶' The complaint was later affirmed by Senator Antonio Trillanes IV and Representative Gary Alejano in a supplemental communication filed before ICC in June the same year.

1 [Statement of the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on opening Preliminary](#)

Examinations into the situations in the Philippines and in Venezuela, International Criminal Court

2 [Trillanes, Sabio welcome Int'l Criminal Court preliminary examination of drug war killings](#), Rappler

3 [Philippines: Duterte's 'Drug War' Claims 12,000+ Lives](#), Human Rights Watch

4 [The Philippines: 39 States Express Serious Concern over the Philippines' Lack of Commitment to Human Rights](#), FORUM-ASIA

5 [Int'l Criminal Court takes 1st step in probe into Duterte drug war](#), Rappler

6 [Court Complaint Accuses Duterte of Mass Murder](#), The New York Times

Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthonburi Road, Khlongtoisai, Khlongsan, Bangkok 10600, Thailand

International Office: Rue de Varembé 1, 2nd Floor, 1202 Geneva, Switzerland

Tel: +41 (0)22 740 2947 Fax: +41 (0)22 740 2948

Jakarta Office: c/o KontraS - Jalan Kramat 2 no.7, Senen, Jakarta Pusat
10420 Indonesia +62(0)213919006

Kathmandu Office: c/o INSEC – Syuchatar, Kalanki, Kathmandu, Nepal, +9779(0)14278770

The ICC's move to open a preliminary examination is crucial, as the Philippines has refused to cooperate with the United Nations' mechanism, including publicly threatening the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Agnes Callamard⁷, and not fully accepting most of the recommendations from the Universal Periodical Review (UPR), particularly those related to the 'war on drugs'⁸.

As an international tribunal and intergovernmental body, the ICC has the jurisdiction to investigate and prosecute individual for crimes against humanity, crimes of aggression, war crimes and genocide. Meanwhile the legal process will require the cooperation of the State Party and relevant authorities at the national level. Civil society organisations are committed to supporting the process by providing all relevant information and key data.

FORUM-ASIA furthermore calls for continued attention on the Philippines from the international community, including concerted action from the United Nations Human Rights Council and the ASEAN Intergovernmental Commission on Human Rights.

About FORUM-ASIA:

FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.

For further information, please contact:

- East Asia and ASEAN Programme, FORUM-ASIA (ea-asean@forum-asia.org)

⁷ [Duterte threatens to slap UN rapporteur if she probes drug war](#), Rappler

⁸ [HRC36 Oral Statement on the Universal Periodic Review \(UPR\) of the Philippines](#), FORUM-ASIA

Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthonburi Road, Khlongtongsai, Khlongsan, Bangkok 10600, Thailand

International Office: Rue de Varembé 1, 2nd Floor, 1202 Geneva, Switzerland

Tel: +41 (0)22 740 2947 Fax: +41 (0)22 740 2948

Jakarta Office: c/o KontraS - Jalan Kramat 2 no.7, Senen, Jakarta Pusat
10420 Indonesia +62(0)213919006

Kathmandu Office: c/o INSEC – Syuchatar, Kalanki, Kathmandu, Nepal, +9779(0)14278770