STATEMENT on WORLD DAY OF INTERNATIONAL JUSTICE
Philippine Coalition for the International Criminal Court (PCICC)
17 July 2024

July 17 is the World Day of International Justice. We note with great concern the continuing reality that justice for serious crimes remains out of reach for many victims in various parts of the world. Impunity for serious crimes and other grave violations of international law shatters the lives of families including children. On this International Day of Justice, we reiterate our rejection of the bloody war on drugs in the Philippines where an estimated 30,000 were killed, most of them poor drug users and small-time drug peddlers. The Duterte government only officially report 6,235 killed during police operations from July 2016 –June 2022. Today, the killings continue under the Marcos government.

Slow justice, Impunity reigns in the country.

To date, despite tens of thousands killed in the war on drugs under President Rodrigo Duterte, only eight (8) police officers have been convicted for the killing of 5 men, 3 of whom were teenagers. The police initially claimed self-defense where the victims allegedly fought against them, but the courts found them unarmed. An injured survivor of a police operation who escaped being killed continues to seek justice in the Philippine courts along with the families of those 4 killed. Not even one of the officials who designed, implemented and led the bloody war on drugs has been made accountable.

The killings in the war on drugs continue despite President Ferdinand R. Marcos, Jr., who replaced Rodrigo Duterte, leading the Filipino nation for two years now, and his commitment to have a bloodless drug war. As of June 2024, 700 have been killed by the government's anti-drug operations. People, especially the families of victims and possible witnesses, still live in fear, but pin their hopes for justice on the International Criminal Court.

Although Command Memorandum Circular (CMC) No. 16-2016, called Operation Double Barrel, was supposed to target high value targets who are drug manufacturers and traffickers together with street level personalities, the reality is that the operations have killed tens of thousands poor people from slum areas, including children, in what is dubbed as Operation Plan Tokhang. "Oplan Tokhang" has thus been equated with extrajudicial killings in the war on drugs.

Worse, the families of victims of the war on drugs have faced difficulties in having a proper investigation of the killings, exacerbated further by the denial of authorities for them to access copies of official police reports, including autopsy reports, further hampering their quest for truth and justice.

Other Developments

At the House of Representatives, government officials and police representatives have affirmed that human rights abuses have indeed occurred during the war on drugs during the legislative hearings on the topic.

The “Philippine Drug Policy and Law Reform Summit,” which was held on July 10-12, 2024, and spearheaded by the United Nations Joint Programme on Human Rights, the Department of Justice, Dangerous Drugs Board, the UP College of Law and civil society organizations, has come out with an Outcome Report based on submissions by various groups which recommends transforming the drug policy and law towards a human rights based and public health approach that put persons and peoples at the center of the drug policy and law. The UNODC and other presenters have shown numerous evidence of better results with the rights-based and health approach to drugs and for the law enforcement agents to focus attention on drug syndicates and the stoppage of illicit drug manufacture, distribution and trafficking.

The International Criminal Court has been investigating the Philippine situation for the possibility of crimes against humanity in the context of the war on drugs for the period November 1, 2011 to March 16, 2019. The Philippine government has twice attempted to stop the investigation by a request for deferral and an appeal to stop the investigation with a reason that the judicial system in the country is functional. The ICC Appeals Chamber, after studying the documents submitted by the Philippine government why the investigation has to be stopped, decided, with a majority, that the decision of the Pre Trial Chamber I authorizing the investigation of the Philippine situation has basis and must proceed since the domestic processes do not mirror the investigation by the ICC.

Impunity for atrocious crimes must not continue.

Thus we call on the Philippine government particularly:

1. For the President to immediately recall and revoke Command Memorandum Circular (CMC) No. 16-2016, called Operation Double Barrel;
2. For the President to order the investigation of all cases of extrajudicial killings due to the war on drugs, especially those which occurred during the Duterte administration including present ones, and to prosecute those responsible for the systematic killings under Republic Act No. 9851;
3. For the President to cooperate with the International Criminal Court;
4. For the President to order all its offices to consider and adopt the recommendations of the Philippine Drug Policy and Law Summit and fast tract the formulation of programs that will address the drug problem using a human rights based and public health approach, including assisting those with drug disorders and provide assistance to families of victims of the drug war; and
5. For the Senate and the House of Representatives to prioritize the revision of the current Dangerous Drugs Act, and include the recommendations of the Philippine Drug Policy and Law Summit that are human rights based and use a public health approach.

Thus, we call on the International Criminal Court

1. To adopt ways to fast track its investigation of crimes against humanity towards identification of the suspects and securing warrants of arrests;
2. To provide assistance to victims and their families while the investigation is being conducted.

Impunity has to stop in order to deter future killings and crimes against humanity. Non-cooperation of the Philippine government delays investigations and the execution of warrants of arrest. We are hoping that the Philippines will deliver justice at the domestic level especially for those which are not within the jurisdiction of the ICC and later cooperate with the court of last resort.

The International Criminal Court is a venue for accountability when there is inability or unwillingness of states to prosecute serious crimes. The Philippine judicial system and the court of last resort must not fail the victims of grave crimes of international concern and their families.

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