

# Philippines: What do Mindanaoans think about ICC prosecutor's move vs Duterte?

Monday 28 June 2021, by [CARREON Frencie](#), [GALLARDO Froilan](#), [GOMEZ Herbie](#), [LAGSA Bobby](#) (Date first published: 18 June 2021).

## **Some call it a baby step toward accountability, but the silence among governors and mayors is 'quite telling'**

Human rights activists, lawyers, religious leaders, and academics in Mindanao lauded the [Office of the Prosecutor of the International Criminal Court \(ICC\)](#) for moving to start an official investigation into the killings in President Rodrigo Duterte's bloody war on drugs, calling it a baby step in what is seen as a drawn-out legal battle for justice.

Some expressed apprehension about the prospect of a successful investigation, and the timing of now retired ICC Prosecutor Fatou Bensouda's move. Others noted that not one local government chief executive in Mindanao, [except for the President's daughter, Davao Mayor Sara Duterte](#), said a word about what they thought about the request for the ICC to authorize an investigation.

Bayan Muna Representative Carlos Isagani Zarate, former president of the Integrated Bar of the Philippines (IBP) in Davao City, said the silence of Mindanao's governors and mayors was "noticeable."

"As it is now, the ICC process, which was largely underestimated or ignored before by the enablers of this bloody drug war, is now very real. It is now dawning apparently to many that the long arm of justice is finally, though slowly, catching up to make those responsible for the bloody war on drugs accountable and end the prevailing state of impunity," Zarate said.

Human Rights Watch (HRW) senior researcher Carlos Conde, who hails from Northern Mindanao, said the silence among local politicians – whether in support or against the President – was "quite telling," and "suggests that they are not ready to go out on a limb for Duterte on this matter."

He said the drug war, the killings, and all the violence would likely become a major issue, and their silence "clearly has to do with the upcoming elections."

"I won't go so far as to say that this indicates some local politicians are abandoning Duterte, but it seems clear to me that they are hedging, they are calculating what the impact or fallout would be of a possible ICC investigation," Conde said.

Mindful of Duterte's popularity and the possibility that the President can be arrested and jailed, Conde said, politicians "are being very calculated and deliberate in their moves now."

He said politicians would be forced to contend with the opposition and the local electorate who "will most definitely use against them their support of the drug war."

Conde added, "The issues that the drug war created will linger for a long, long time, way after

Duterte, and these local politicians know that.”

### **Duterte scared?**

Former Ateneo de Davao University (ADDU) professor and staunch Duterte critic [Father Albert Alejo](#) suggested that the President was “scared” at the thought that the sphere of the investigation would cover the period from the Philippines’ ICC membership on November 1, 2011, until March 16, 2019.

The [Philippines withdrew from the ICC](#) on March 17, 2019.

Alejo noted that the [alleged summary killings recorded in Davao City](#) in November 2011 up to 2016 were covered by the investigation conducted by Senator Leila de Lima who was then the justice secretary. Duterte was in control of the Davao City government at that time.

“Duterte did not cooperate with De Lima,” said Alejo, who was teaching at ADDU at the time.

Alejo said De Lima allegedly found hard evidence against Duterte.

Prominent Cagayan de Oro-based human rights lawyer Beverly Selim-Musni said that an ICC-sanctioned investigation “would be far from being a walk in the park.”

She said cited the big tasks ahead, which would require collective efforts to gather and preserve documents and other evidence, and protect witnesses.

Musni also said groups would need to watch each other’s back because “it’s dangerous as people involved will be placed in the line of fire.”

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Father Christopher Ablon of the Iglesia Filipina Independiente (IFI) in Cagayan de Oro called Bensouda’s move “a long-overdue decision.”

His brother, IFI Bishop Antonio Ablon, said he was delighted with Bensouda’s decision, but “the challenge now is the investigation itself.”

Bishop Ablon said groups seeking justice should also work to ensure that politicians seen as potential protectors of those accused of crimes against humanity would not get elected in next year’s elections.

“This is the challenge in the next elections,” he said.

Young lawyer Ernesto Neri said the move to investigate Duterte and others was a step toward accountability and the truth, “but it is not yet an assurance that there will be a trial.”

“This is where the preliminary investigation starts,” he said.

### **Opportunity for Duterte to ‘clear himself’**

Maranao activist Samira Gutoc, a 2019 senatorial candidate, dared Duterte to allow a likely investigation if he was convinced that the way his anti-drug campaign was carried out was justified.

“He (Duterte) is a lawyer. This is the time and opportunity to clear himself,” Gutoc said.

Meanwhile, academics in Zamboanga City expressed apprehensions about how the ICC prosecutor would be able to carry out an investigation given the [lack of cooperation from the government](#).

“My presumption is that there exists state-sponsored extermination of illegal drug users based on cases publicized and the president’s own statements. But these alone will not prove whether the ICC prosecutor’s claim is true,” said Michael John Alipio, a faculty member at the Ateneo de Zamboanga University (ADZU).

Alipio, head of ADZU’s arm that focuses on peace and dialogue initiatives, said the government should open its doors for an investigation.

“The real question lies on whether it will,” he said.

Henry Salomon, a political science professor at the Western Mindanao State University, said that the Duterte administration would likely invoke the legal principle that domestic laws may prevail when an international body’s rules contravene the former.

Nahdin Jubaira, executive director of non-governmental organization Sulu Area Coordinating Center, said he found the timing of the announcement “a bit discomfoting.”

“To be happening (near) the general elections, I can’t help but be of the opinion that the case and the accusations will be serving a faction or a group. It would be embarrassing for the Filipinos that their better appreciation and in a way, judgment, is passed on to a foreign entity,” he said.

“Let the man be judged by the jury of his peers or in this case, the Filipinos,” Jubaira added.

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