

# **NUPL lauds ICC decision to probe deaths in Philippines' drug war operations**

Tuesday 21 September 2021, by [DAMICOG Jeffrey](#) (Date first published: 16 September 2021).

**An organization of lawyers on Thursday, Sept. 16, lauded the decision of the International Criminal Court (ICC) to proceed with the investigation of President Duterte on drug war killings that have taken place under his administration, including those when he was Davao City mayor.**

"Today on our 14<sup>th</sup> founding anniversary, we are heartened by the latest collective and shared victory even as we grieve and rage over the loss of yet another one from our ranks," reads the open letter of National Union of Peoples' Lawyers (NUPL) President Edre U. Olalia.

Recently, the Pre-Trial Chamber of the International Criminal Court (ICC) has granted the request of its prosecutor to begin a probe on the alleged crimes related to extra-judicial killings in the Philippines, including the hundreds of deaths that occurred under the controversial war-on-drugs campaign of the administration of President Duterte.

"It was July 4, 2016 when we first publicly called out against the madness of the extra-judicial killings in the bloody drug campaign against the poor. Now the ICC has opened the doors for a new beginning. It has been a long and tortuous journey so far," Olalia said.

Olalia issued the open letter following the killing of one of NUPL's officers, Union of Peoples' Lawyers in Mindanao (UPLM) vice chairman Juan Macabadbab who was slain in front of residence in Surallah, South Cotabato last Sept. 15.

Olalia asked NUPL members to remain strong amidst the continuing adversity they have been facing.

"Hold fast, stand our ground, we will ride out all these trials that come our way, as we await for the day we dance in the streets," he declared.

He cited that the organization has its "fair share of losses, bungles, missteps, overestimations, frustrations missed opportunities, and many others too disenchanting and humbling to relive on occasions such as today."

In a statement posted on its website Wednesday night, Sept. 15, and was used as basis of Manila Bulletin's news story, the ICC said the investigation will cover crimes allegedly committed between Nov. 1, 2011 and March 2019 "in the context of the so-called war on drugs campaign."

On 14 June 2021, then outgoing ICC Prosecutor Fatou Bensouda filed a public redacted version of the request to open an investigation requesting authorization to commence an investigation into the situation in the Philippines.

According to the ICC, Pre-Trial Chamber I composed of Judge Péter Kovács, Presiding Judge, Judge

Reine Adélaïde Sophie Alapini-Gansou and Judge María del Socorro Flores Liera, examined the prosecutor's request and supporting material.

The Chamber considered the representations made by 204 victims of the alleged crimes in the Philippines that were received by the body.

"In accordance with Article 15(4) of the Statute, the Chamber found that there is a reasonable basis to proceed with an investigation, noting that specific legal element of the crime against humanity of murder under Article 7(1)(a) of the Statute has been met with respect to the killings committed throughout the Philippines between 1 July 2016 and 16 March 2019 in the context of the so-called 'war on drugs' campaign, as well as with respect to the killings in the Davao area between 1 Nov. 2011 and 30 June 2016," the ICC said.

Based on the facts as they emerge at the present stage and subject to proper investigation and further analysis, the Chamber emphasized that the so-called war on drugs campaign "cannot be seen as a legitimate law enforcement operation, and the killings neither as legitimate nor as mere excesses in an otherwise legitimate operation".

"Rather, the available material indicates, to the required standard, that a widespread and systematic attack against the civilian population took place pursuant to or in furtherance of a State policy, within the meaning of Article 7(1) and (2)(a) of the Statute," it pointed out.

The Philippines has been a state party since Nov. 1, 2011 to the Rome Statute which created the ICC but President Duterte ordered the country's withdrawal from its membership from the Statute on March 17, 2018.

Despite this, the ICC maintained that while the Philippines' withdrawal from the Statute took effect on March 17, 2019, the Court retains jurisdiction with respect to alleged crimes that occurred on the territory of the Philippines while it was a State Party, from Nov. 1, 2011 up to and including March 16, 2019.

"While the relevant crimes appear to have continued after this date, the Chamber noted that alleged crimes identified in the Article 15(3) Request are limited to those during the period when the Philippines was a State Party to the Statute and was bound by its provisions," it said.

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**Jeffrey Damicog**

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