

# **Incitement to rape - Philippine President Duterte "Joke" and sexual violence as a military tactic**

Tuesday 30 May 2017, by [JIMENEZ-DAVID Rina](#) (Date first published: 30 May 2017).

About the most cringe-inducing—no, rage-inciting—aspect of President Duterte's slimy "joke" about taking personal blame and accepting the penalty for the first three rapes a soldier commits in the course of enforcing martial law in Mindanao is how it "normalizes" and condones the use of rape as a weapon of war.

Sexual violence and exploitation have long been used as a military tactic, posits Susan Brownmiller in her book "Against Our Will." She traces the use and threat of rape as not just an individual crime but as "a deliberate, calculated act meant to humiliate and degrade the victim," as well as to destroy the morale of the enemy.

The most glaring example of this, records Brownmiller, is how, during the war for independence of Bangladesh, rape became a systematic weapon used by West Pakistan forces against the people of then East Pakistan. The women would be victimized twice over: when they were raped, and when they gave birth to babies resulting from the rapes. Because of distinct physical differences between the people of East and West Pakistan, the babies became physical proof of the erstwhile invaders' infamy. Many of the rape survivors were shunned by their families, resulting in lifelong consequences, not just for the rape survivors, but also for an entire generation.

A friend forwarded an analysis by Anne Marie Goetz, professor at New York University and specialist on UN Security Council resolutions on women, peace and security including those focused on sexual violence in conflict. In her opinion, Goetz says Mr. Duterte could be subjected to the judgment of the International Criminal Court (ICC), noting that the so-called joke "is incitement to rape, potentially on a large scale, and it is not a joke."

Writes Goetz: "When a Commander-in-chief signals to active combat forces that they can commit human rights abuses with impunity, he is putting them and himself in line for international prosecution for war crimes. The Geneva Conventions clearly prohibit targeting of civilians in wartime and yet Duterte's statement directly does so. The Rome Statute of the ICC clearly makes sexual violence a war crime, potentially a crime against humanity when committed at scale, and therefore liable for international prosecution under the principle of universal jurisdiction.

"There are four Security Council resolutions making it clear that sexual violence committed to advance military or political objectives (including when it is treated, as apparently in this case, as a form of payment or reward for soldiers) is a war crime that should never be subject to amnesty. These resolutions (for instance, Resolution 1820 of 2008) make it clear that anyone who commands or has knowledge of yet condones sexual violence committed by troops under his or her command is responsible and is therefore liable for prosecution. Duterte's comment is an unambiguous expression of command responsibility for the commission of serious crimes.

“There is another dimension to this callous statement by the President. The three women per soldier whose rapes that he is condoning are likely to be civilians in the area of current combat operations, and they are therefore likely to be Muslims. If the President is interested in fanning the flames of violent extremism rather than building reconciliation and peace, there can be no better method than to publicly incite mass rape of Muslim women by the national armed forces.”

Last year, the ICC found former Congolese vice president Jean-Pierre Bemba, who was the commander in chief of a former Congolese rebel group, guilty on five charges of crimes against humanity and war crimes, including rape, murder and pillage in the neighboring Central African Republic.

A report says Bemba’s case was “the first before the ICC to focus on sexual violence as a weapon of war, as well as on a senior military official whose forces carried out the atrocities,” and—get this—“even if he had not directly ordered them to do so.” Can a “joke” count as an order? To my mind, it is even worse.

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**P.S.**

\* “Incitement to rape”. Philippine Daily Inquirer / 12:09 AM May 30, 2017:

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