

A giant leap for justice, ray of hope for victims of extra-judicial killings in the Philippines

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For those who took the path of the International Criminal Court, the judicial authorisation request of the Office of the Prosecutor to proceed with an investigation is a “monumental step towards justice,” and a “ray of hope” for the families of victims of extrajudicial killings in the war on drugs.

On Monday, ICC Prosecutor Fatou Bensouda announced that she has requested authorisation to proceed with an investigation following the conclusion of the preliminary investigation of the situation in the Philippines related to President Duterte’s War on Drugs (WoD) since the start of his presidency on 1 July 2016 up to the withdrawal of the Philippines from the ICC on 16 March 2019.

“This is another monumental step towards justice for all the families of victims of EJKs. The long arm of the law will soon catch up with Duterte and his accomplices,” former senator Antonio Trillanes IV said in a statement. Trillanes, a staunch critic of Duterte was one of those who filed a supplemental communication with the ICC in The Hague to investigate Duterte’s bloody campaign against illegal drugs.

According to the Philippine Coalition for the International Criminal Court (PCICC), a civil society committed to promoting the integration of ICC principles and standards to the Philippines judicial and legal systems, they have been anxiously waiting and praying for this welcome development.

“It is a ray of hope for justice for the families of victims of killings in the war on drugs. We hope that the Pre-Trial Chamber of the ICC will immediately authorize an investigation and that it will lead to the filing of charges against those who pulled the trigger as well as against those who encouraged mass executions in the war on drugs,” PCICC spokesperson and Amnesty Philippine’s Chair, Dr. Aurora Parong said in a statement.

PCICC is among those who filed a petition before the Supreme Court aiming to appeal the Philippine government’s decision to withdraw from the ICC. It is a member of the global network that “believes that individual perpetrators of the most heinous crimes – genocide, war crimes and crimes against humanity – must be brought to justice.”

The National Union of People’s Lawyers (NUPL) that represented activists and families of eight victims of EJKs in the Philippines also shared the same hope that there’s justice somewhere, somehow and the move to investigate was “all worth the wait, notwithstanding the long nights of grief and grim days of fear.

“While the road ahead will be tortuous and filled with trepidation and intimidation to the victims, witnesses, and even lawyers, we will have to see this through. Crimes against humanity are crimes against all. No one is exempt or invincible, no matter how arrogant the impunity or deceiving the

pretension,” NUPL President Edre Olalia said in a statement. He is also the transitional President of the International Assn of Democratic Lawyers (IADL).

Human Rights Watch Deputy Asia Director Phil Robertson expressed the hope that the OTP’s request to open the investigation be approved. “Until now, President Rodrigo Duterte has callously worn his support for the government’s deadly ‘war on drugs’ like a badge of honor. His presumption of impunity for these crimes was dealt a blow today after a request by International Criminal Court Prosecutor Fatou Bensouda to open an investigation into possible crimes against humanity. If approved, it could bring victims and survivors closer to seeing those responsible for their suffering finally brought to justice.”

Other groups leading the campaign against extrajudicial killings such as Kilusang Mayo Uno, renewed calls to hold Duterte accountable “for helming Oplan Tokhang and all those involved in these killings must be put behind bars.”

“It is only proper for this regime to be held accountable for its crimes against the Filipino people and the whole of humanity. Duterte must, in no way, hinder this investigation and conduct all necessary measures to accommodate the said process,” KMU chairperson Elmer Labog said.

International law professor Romel Bagares said the preliminary investigation (PI) is the very first opportunity for victims to intervene in the proceedings. Under ICC rules, victims may make their own submissions to the PTC within 30 days of the OTP’s filing of the request for authorization.

“If the PTC authorizes the PI, it will “at any time after the initiation of an investigation”, and at the OTP’s instance, issue a warrant of arrest. The issuance of a warrant transforms the proceedings into a case proper, in which a suspect is now considered to have been formally charged – or indicted – for international crimes,” Bagares said.

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