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RETURN TO WAYS OF A DICTATOR

David Tolbert says Rodrigo Duterte's chilling campaign to kill with impunity suspected drug dealers in the Philippines has all the hallmarks of the crimes against humanity perpetuated under Marcos, and Manila must remember its duty to respect human rights

In less than two months since the inauguration of Rodrigo Duterte as president of the Philippines, as many as 1,900 people have been killed at the hands of the police and death squads for suspected drug dealing or drug addiction. These unlawful murders, which have been dressed up in the trappings of a “war on drugs”, bear all the hallmarks of official lawlessness and possible crimes against humanity, which have been sanctioned by the highest office holders in the government.

This is not the first time the Philippines has seen widespread and systematic extrajudicial killings. Over 3,000 such killings were documented during the dictatorship of Ferdinand Marcos. This pattern seems to be repeating itself.

With statements like “Shoot him and I’ll give you a medal” and “If they are there in your neighbourhood, feel free to call us, the police or do it yourself if you have the gun”, Duterte has publicly encouraged these killings. He has also promised to grant pardons or propose an amnesty for police officers who may be charged for these killings while declaring immunity for himself as president.

Whatever Duterte’s presidential powers, they do not extend to granting amnesty for international crimes, such as crimes against humanity, as defined in the Rome Statute that established the International Criminal Court. Unlike its Southeast Asian neighbours Thailand and Indonesia, which have also seen leaders wage drug wars involving numerous extrajudicial and judicial killings, the Philippines ratified the Rome Statute in 2011, under Duterte’s predecessor, Benigno Aquino.

The Philippines is bound by the human rights treaties it has signed to respect the right to life and uphold due process. This was recently reiterated by the new UN special rapporteur on summary executions, Agnes Callamard: “Claims to fight illicit



Police officers investigate the scene around the body of a suspected drug dealer in Manila. Photo: AFP



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drug trade do not absolve the government from its international legal obligations and do not shield state actors or others from responsibility for illegal killings.”

Recent photographs from Manila show another disturbing aspect of Duterte’s drug war: it disproportionately targets the poor. In a widely circulated photo of a widow cradling her dead husband, we see both the drug war’s human toll and, from their story, learn the crushing poverty of the majority of its victims. The couple lived on a shanty on top of a garbage-filled canal in Manila. In other photographs, a prominent businessman and a mayor, both suspected of drug dealing, safely and publicly have audiences with the president.

Nonetheless, a sizeable portion of the Philippine population voted for Duterte. And many elected politicians and local officials have shifted their loyalty to him, due to an entrenched system of patronage. This has emboldened Duterte, police officials and some of his supporters to question not only human rights advocates but even the existence of the Commission on Human Rights, a constitutional body set up after the Marcos dictatorship to curb abuses. Duterte warned human rights advocates “not to pick a fight with me or you will lose”. The justice secretary has also dismissed warnings from human rights lawyers and legislators that these killings may be crimes against humanity, claiming that “criminals are not humanity”.

During the administration of Gloria Macapagal Arroyo, Philip Alston, then UN special rapporteur on extrajudicial, summary or arbitrary executions, found that extrajudicial killings of left-wing activists and suspected drug dealers and users had escalated markedly in the five years since she took office. In a 2009 report, Alston specifically named Duterte, then mayor of Davao City, as someone who “has done

nothing to prevent these killings, and his public comments suggest that he is, in fact, supportive”.

That these crimes would recur was made likely by the impunity afforded to the individuals and groups who carried out, supported and encouraged those killings. Today, we are seeing the legacy of that impunity play out in a policy of systematic violence. Unfortunately, there are many examples, across virtually every continent, where tolerance for extrajudicial killings and a culture of impunity not only erode respect for life and law, but encourage other violations, including sexual violence and enforced disappearances.

Still, the Philippines is seen as a country that, despite the challenges, could live up to its human rights obligations. Its peace agreement with the Moro Islamic Liberation Front was a positive step in this direction, and the government’s adoption of a law to provide reparations to and memorialise victims of the Marcos dictatorship remains a milestone in acknowledgement of rights abuses.

It is now time for the Philippine government to respect those rights. As it conducts this campaign ostensibly against drug lords, Manila should bear in mind that, as a state party to the Rome Statute, it is obligated to investigate widespread, systematic extrajudicial killings that may constitute crimes against humanity. The International Criminal Court prosecutor has so far investigated only situations in which alleged crimes against humanity involved political or identity-based violence and killings. However, the court also has jurisdiction over – and, in my view, an imperative to investigate and prosecute – systemic crimes that victimise those killed in unbridled wars against crime.

David Tolbert is president of the International Centre for Transitional Justice