

## The Philippines: Withdrawal from the ICC/Rome Statute another attempt to perpetuate impunity for human rights violations in the country

(Bangkok, 15 March 2018) – In the past one and a half years, blatant rejection and undermining of human rights have been the message conveyed by President Duterte’s administration. This anti-human rights rhetoric has resulted in the increase of threats and intimidation against human rights defenders, environmental activists, and political dissenters. His recent claim to withdraw from the Rome Statute and the publishing of a list of 600 supposed ‘terrorist’ fit smoothly in his systematic attack on human rights and human rights defenders.

The Asian Forum for Human Rights and Development (FORUM-ASIA) calls on the international community, notably Governments and the United Nations (UN), to intensify to the pressure to hold Duterte’s administration accountable and put an end to the human rights violations. We call on the UN Human Rights Council to hold the Philippines accountable to standards expected of Council members, and urge the Council to call for the suspension of the Philippines’ membership over failure to uphold these standards. While we welcome the preliminary examination of the International Criminal Court (ICC) into the ‘war on drugs’, we additionally urge the UN Human Rights Council to conduct an international, independent investigation on the matter.<sup>1</sup>

Just this week, on 13 March 2018, Duterte announced his intention to withdraw the Philippines’ membership from the ICC/Rome Statute, in light of the ICC’s preliminary investigation into the ‘war on drugs’ in the country.<sup>2</sup> He accused the UN and the ICC of a crusade against him, which he called ‘baseless, unprecedented and outrageous attacks on my person.’ While the move does not come as a surprise, it represents a change from his earlier proclamations that he welcomed the investigation and that he was willing to ‘rot in jail’ in defence of his policy on drugs.

Last week, news broke that on 21 February 2018 the Department of Justice filed a list of over 600 people to a Court in Manila to be able to declare them terrorists. Among those on the list are human rights defenders from Indigenous peoples, and the UN Special Rapporteur on the rights of indigenous people, Victoria Tauli-Corpuz. Being labelled a ‘terrorist’ does not only allow the Government to monitor and surveil them, but it puts them at grave risk in a country where the President himself endorses and encourages extrajudicial killings.

These developments are all indicative of the increasing escalation of the attack on human rights and human rights defenders in the Philippines. The Commission on Human Rights and different media outlets, such as Rappler, were not spared. Making it that much more crucial now that the international community take a stronger stands against the attacks on human rights defenders in the country.

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<sup>1</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22822&LangID=E>.

<sup>2</sup> <https://www.forum-asia.org/?p=25609>.

While Duterte might have claimed the immediate withdrawal from the ICC/Rome Statute, this can only be done once a formal notification is submitted to the UN Secretary General, and even then it will only go into effect after one year. Then still, any acts committed during the time the Philippines was a member of the ICC remain under their jurisdiction, leaving the door wide open for the preliminary investigation, and any other moves thereafter. Not only should the ICC, with the full support of the rest of the UN, continue its investigation, it should make sure it consults with local human rights defenders in its efforts, as the Duterte administration has made it evident it will not cooperate.

Additionally, international pressure, among others through the UN Human Rights Council, should be put on the Philippines related to the list of 600. The compilation of the list was highly arbitrary and it puts unnecessary risk on the people on it. Finally, increased efforts should be put into monitoring any further attempts by the Duterte administration to undermine the promotion and protection of human rights in the country.

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**About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratisation.*

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