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Unpunished crimes

by GWYNNE DYER

Everybody has heard the saying: ?The mills of Justice grind slowly, but they grind exceeding fine.? The saying is a promise that all crimes will eventually be punished ? but it is a lie.

Most crimes everywhere have always gone unpunished. So while the arrest of former Philippines president Rodrigo Duterte by the International Criminal Court (ICC) last week for the ?crime against humanity' of mass murder was long overdue, it also came as a great surprise.

Duterte was elected president in 2016 on the promise that he would wage a ?war on drugs,' and he meant ?war' literally. Once in office he sent the police out with orders to kill drug dealers and drug users without trial or even arrest. The bodies were generally just left in the streets.

By the time the ICC opened its investigation in 2018, the death toll was already at least 8,000 people shot to death by the police, mostly small-time users and dealers but including the usual quota of ?mistaken identity' cases. Far from denying his deeds, Duterte gloried in them and promised more of the same ? and most Filipinos cheered. It is not a woke place.

When he finished his single legally permitted term in 2022, with up to 30,000 police murders to his credit, his popular approval rating was 88%, higher than when he took office six years before. And just to make sure nothing went wrong after he left office, a deal between the country's most powerful families saw his daughter Sara elected as vice-president.

But Filipino politics is a soap opera with guns, and what went wrong was the deal between Vice-President Sara Duterte and the scion of the Marcos clan, President Ferdinand ?Bongbong' Marcos Jr. (His father, Ferdinand Marcos, was the president and dictator of the Philippines 1965-1986; his mother was famous for having 3,000 pairs of shoes.)

The deal was that Sara would run for president with Bongbong's support in 2028 and get her own six years in power, but she couldn't wait, or he decided to sideline her, or both. Thereupon, in the same family tradition of openness that led her dad to boast publicly about running death squads, she posted a video on Facebook about the hitman she had hired.

?This country is going to hell because we are led by a person who doesn't know how to be a president and who is a liar. Don't worry about my safety. I have talked to a person and I said, if I get killed, go kill Bongbong, Liza Araneta [his wife], and Martin Romualdez [speaker of the House]. No joke. No joke. I said, do not stop until you kill them and he said yes.?

In Manila, this is definitely not a joke. Sara Duterte probably does have a couple of assassins in her contact book. So Bongbong's response, in addition to doubling his security, was to retaliate by handing Sara's father over to the ICC. A private jet delivered him to The Hague on March 12, and he was taken into custody by the court's chief prosecutor, Karim Khan.

All very entertaining, if viewed from afar, and it does mark a significant step forward for the ICC. Duterte is the first former head of state who is not from an African country to be brought before the ICC to answer for his crimes.

There were good reasons why all previous ones involved African regimes: the continent is home to one-third of the world's countries, most of its dictatorships, and most of its wars. Nevertheless, even competent, law-abiding African governments were starting to feel victimized, and it helps to have an Asian country on the list.

But more importantly, this is part of a much broader initiative to bring the rule of law to a domain where legal justice was previously unavailable. Where can individual citizens turn to get protection of their own rights (including the right to life) against the government of a sovereign state that does not obey its own laws?

Obviously, this enterprise is not doing very well at the moment. The ICC can do its research and issue arrest warrants even for serving heads of state like Russian president Vladimir Putin and Israeli prime minister Binyamin Netanyahu, but the most it can achieve is to make them cautious about travelling to countries that might actually execute the warrant.

Even retired mass murderers like Rodrigo Duterte are generally safe so long as they stay at home ? unless they fall afoul of a successor government like his daughter did. If the ultimate goal is to build a global civilization that respects individual rights, and especially the right to life, then we are still a very long way from the Promised Land.