# Shielding Bato from accountability

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With the Philippine government allowing the arrest of former president Rodrigo Duterte and having him flown posthaste to The Hague to face charges before the International Criminal Court (ICC), the walls are now closing in on his key lieutenants who executed his administration’s war on drugs that led to the extrajudicial killing (EJK) of thousands of drug suspects.

While the ICC, which prosecutes war crimes and crimes against humanity, has yet to serve similar arrest warrants for Duterte’s accomplices, it’s only a matter of time before Sen. Ronald “Bato” dela Rosa, former Davao City police chief Vicente Danao, and other central figures in the anti-drug campaign would have to face the music.

In ordering Duterte’s arrest, the Netherlands-based ICC identified him as an “indirect co-perpetrator” of murder as a crime against humanity because he had control over law enforcement agencies as Davao City mayor and later, as Philippine president. Further, the court noted that Duterte “appears to continue to wield considerable power” even if he is no longer president.

And if Duterte is considered a mere indirect co-perpetrator, surely others who implemented the bloody drug war must face the ICC as well. While the names of other involved parties were redacted in the arrest warrant issued to Duterte, there was clear reference to Dela Rosa as the architect of “Oplan Tokhang” that he first implemented as Davao City police chief, and later as chief of the Philippine National Police.

## ‘Institutional courtesy’

Dela Rosa, who is running for reelection, skipped the trip to Hong Kong with Duterte’s party, having previously learned of the impending arrest. While he made himself scarce after Duterte’s March 11 arrest, he joined in filing a petition asking the Supreme Court to stop government from cooperating with the ICC even as he sought protection against similar arrest from the Senate.

Citing “institutional courtesy,” Senate President Francis Escudero assured his colleague of refuge in the Senate, saying it will “not allow any of its members to be arrested while inside the chamber.”

Escudero’s statement might be seen as a move to keep his post as Senate president. But even he knows that shielding senators who face arrest can only go so far—especially in such a high-profile international case for which no less than the President has given government support.

## Reciprocal commitment

President Marcos, who reiterated his administration’s non-cooperation with the ICC since Duterte’s withdrawal of the country’s membership from the tribunal in 2019, has justified the swift arrest as honoring the country’s reciprocal commitment to the International Police Organization (Interpol) which implemented the ICC arrest.

Later developments have shown it is much more than that: it’s been admitted that the government arranged and paid for the private jet that took Duterte to The Hague, with the arrest and immediate flight executed with fool-proof intelligence from a former Duterte official and surgical precision reportedly managed from Malacañang by the President himself, the Interior Secretary, and the national intelligence chief.

The President’s official stand has given the PNP the template on effecting the same move on other Duterte co-perpetrators, said PNP spokesperson Jean Fajardo who referenced attempts by Duterte’s family and former officials to stop his arrest. At one point, PNP Criminal Investigation Division director Maj. Gen. Nicolas Torre III, who expertly handled the operation on the ground, had to handcuff former executive secretary Salvador Medialdea for blocking Duterte’s transfer to the private jet.

## ‘Tokhang’ architect

Given such resolve, will the Senate insist on being the scene of the chaotic enforcement of an international arrest warrant to shield one of its own in the name of tradition? It would be awkward, to say the least, for the Senate to stand in the way of the President’s policy to cooperate with the Interpol to give EJK perpetrators their day in court. Coupled with the Senate President’s firm position of delaying the impeachment trial of Vice President Sara Duterte, the Senate risks being seen as protector of impunity, a message to the global community that’s at odds with the chamber’s role of approving international agreements.

Giving official refuge to Dela Rosa also allows him to escape accountability for his role as Tokhang architect and chief implementor of the brutal purge, while his boss remains in ICC custody halfway around the world and faces what appears to be a drawn-out trial. Is that even fair to Duterte—and most importantly, his drug war victims?

Indeed, Palace Press Undersecretary Claire Castro taunted Dela Rosa that if he truly believed that the ICC were an incompetent authority, he should have promptly joined Duterte in The Hague to prove such claim.

“As a matter of fact, he should have been in the Netherlands first instead of Sen. Robin Padilla,” Castro said.

That hits the nail right on the head.