



DRUGS PEACE INSTITUTE

Utrecht, June 26th, 2018

Hon. Fatou Bensouda
Prosecutor
Office of the Prosecutor
International Criminal Court
The Hague, The Netherlands.
otp.informationdesk@icc-cpi.int

Dear Ms. Fatou Bensouda,

Subject: request for pre-examination of incitement to genocide by the United Nations.

Further to the submission of a communication entitled "[The situation of mass murder in the Philippines](#), Rodrigo Duterte: the mass murderer", forwarded to you by attorney Jude Josue L. Sabio on April 24, 2017, and of an "[Open Sign On Letter](#) to the International Criminal Court" forwarded to you by "states, organizations and advocates" identified therein, on December 14, 2017, both requesting a preliminary examination of the situation in the Philippines for the crimes listed under the Rome Statute, namely genocide, crimes against humanity, and war crimes, the Drugs Peace Institute herewith wishes to submit a request for a complementary preliminary examination by your office of the people within the organs of the United Nations who are most responsible for the incitement to genocide of drug users (consumption, distribution and production) as this incitement has provoked in the Philippines and continues to provoke in an increasing number of other countries the atrocity crime of genocide.

Background

With the adoption of the Single Convention on Narcotic Drugs, the United Nations set out in 1961 to free the entire world by means of punishment, of the 'drugs of abuse', mind-altering plants and products used since times immemorial by people to live in harmony with nature.

To achieve its goal, the UN facilitated the stigmatizing, the de-humanizing and ultimately the demonizing of the other-who-uses-drugs. In the process it condoned the denial of their human rights, prompting zero-tolerance for drugs to become zero-tolerance for drug users and the elimination of this 'evil' the elimination of its adepts.

Through its organs the United Nations organized and financed drugs control operations in countries where people involved with drugs were executed, even though art. 6(2) of the International Covenant on Civil and Political Rights holds that the penalty of death may only be applied to the 'most serious crimes', and that the competent UN human rights organs hold that drug offences do not constitute 'most serious crimes.' Already in 2010 the International Harm Reduction Association's Report '[Complicity or Abolition](#)' warned, "... the UNODC may therefore be complicit in executions for drug offences in violation of international human rights law and contrary to their own abolitionist policies and UN General Assembly resolutions calling for a moratorium on the death penalty for all offences. The risk of further human rights abuses connected to drug enforcement projects, and the complicity of donors and implementing agencies in such abuses, is clear and must be addressed"

Following the example of a murderous war on drugs fought in the early 2000's in Thailand, different countries in that region have stepped up the war on drugs in recent years.

In Indonesia the government of president Jokowi called for the extrajudicial killing of suspected drug traffickers in the streets. "Be firm, especially to foreign drug dealers who enter the country and resist arrest. Shoot them because we indeed are in a narcotics emergency position now," the president said in July 2017.

In Bangladesh, the government followed suit, launching on May 15 of this year an unprecedented drive to clean the streets of dealers. Some 15,000 people have been arrested in nationwide raids and 130 people were killed extra-judicially. The government also closed health and harm reduction services for people who use drugs and now is considering legislation to impose the death penalty for drug offences.

But the most appalling case is that of the Philippines, where president Rodrigo Duterte has killed extra-judicially thousands of people said to be involved with drugs. In December 2017, after some 15,000 people who use drugs had been killed on the daily public recommendations of president Duterte, [Anand Chabungbam, Regional Coordinator](#) of the Asian Network of People who Use Drugs (ANPUD) said, "The silence of the ICC and the UN is inviting a new era where violence and murders are normal, human rights violations are universal".

On June 5th, 2018, 174 human rights and harm reduction NGO's warned for a snowball effect in the region and urged the United Nations Office on Drugs and Crime (UNODC) and the International Narcotics Control Board (INCB) to take urgent actions to prevent further killings and abuses and to monitor other countries showing signs of adopting similar repressive policies." "The [leadership of the UNODC and INCB](#) is critical to ensuring that the repressive approaches adopted by Bangladesh and others do not have a snowball effect in the region.", it was noted, underlining the responsibility of these UN organs for further developments.

On February 8, 2018, you decided [to open a pre-examination](#) into the crimes committed by Duterte. As another 1,000 persons are killed each month, we welcomed your expedient examination as it may save thousands of lives. But, it won't be enough to prevent the genocidal wave from flooding over Asia and beyond, as the cause of this genocide itself must be rooted out: the UN Prohibition of drugs must be revoked.

Even if the use of mind-altering substances would be an aberration, the extermination of its users is still what we have come to call an inadmissible "atrocious crime". But history, with science slowly following in its wake, shows us that the use of these substances served to give humans inner peace, "life" as indigenous peoples called it. This inner peace provided mankind with the knowledge to live harmoniously with one's own nature, as intrinsic part of the surrounding world. As the peyote using Huichol people from Mexico keep reminding us, all of us are caretakers of that harmonious balance, not just for ourselves and our community, but for the entire world.

Prohibition of the fruit of knowledge has alienated man from his body and his natural environment. Man has come to stand above nature, fashioning it according to his phantasies, destroying his harmonious balance with his habitat. This state of affairs has become an article of faith and whoever dares question it by looking for answers beyond his mind, is considered deviant, asocial and criminal.

But the god prohibiting the eating of the fruit in the garden has been shown to be the invention of self-serving priests and the danger of drugs for public health has been debunked as another untrustworthy argument for prohibition. Therefore, and as long as governments erect barriers to bonafide scientific research on the use of these substances, we cannot but come to the conclusion that, for unspeakable reasons of state, the governments of all the nations unite to deny their citizens the legitimate human right to "freedom of thought, conscience and religion" made possible by the use of mind-altering substances.

In his [video-message to the 61st session of the Commission on Narcotic Drugs](#) on March 12, 2018, the UN Secretary General also implicitly attributed the responsibility for the failure of prohibition and its atrocious consequences for human beings to the UN when he said that, "Current efforts have fallen short of the goal to eliminate the illicit drugs market. With the UN General Assembly Special Session consensus as our blueprint, we can promote efforts to stop organized crime while protecting human rights, enabling development and ensuring rights-based treatment and support". No word was lost on punishment of evil use, the focus was on treatment and support.

If the US Alcohol Prohibition in the 1920s was the midwife of the American mafia, the UN drugs prohibition has become the midwife of international crime, whether called president or cartel.

[Says youth pastor Michael Kleim](#), protestant theologian and member of Germany's anti-prohibitionist Schildower Kreis: "In the US, there is an excessive amount of racism and social Darwinism hidden in the prohibition policy. It is no coincidence that the drug war is an arsenal of religious and political fundamentalists. This makes it obvious that systematic human rights violations and a destabilization of democracy are essential and inevitable consequences of prohibition." "Drug use should be perceived as a reality of human culture and taken seriously."

For the reasons enumerated above, and since as Prosecutor of the International Criminal Court (ICC) you have the power to open a preliminary examination into the crime of incitement to genocide, we request of you to examine the incitement to genocide of drugs users by the United Nations, more specifically focused on the genocide of drug users in the Philippines. We in particular ask you to examine the crimes of incitement to genocide committed by the Bureau of the 61st session of the Commission on Narcotic Drugs (CND), Mrs. Alicia Buenrostro Massieus, Chairperson, the International Narcotics Control Board (INCB), Mr. Viroj Sumyai, president, and the United Nations Office on Drugs and Crime (UNODC), Mr. Yuri Fedotov, Executive Director, and of all other persons being their superiors or officers in their service you feel should be considered for preliminary examination

The examination we request your Office to undertake will lead you into terra incognita regarding the jurisdiction of the ICC, the admissibility of the crime and the interests of justice to be served. The DPI feels that it would be preposterous on its part to advise you on the factors to be considered or to be left out, as you will be confronted – when you take on this challenge - with dragons you are better qualified to imagine than we ever will be. There are two considerations the DPI would nevertheless like to share with you.

First of all, the need for a clean slate in a field where lie and distortion have become the norm. As an example we quote from the foreword of the [Joint Civil Society Contribution](#) to the 40th Meeting of the WHO Expert Committee on Drug Dependence, where it states that "Oversight, plagiarism, gross negligences, terminology issues, mistaken references, erroneous translations, mismatched data aggregated, and **in fine** bias, is evident in the preparation process of the reviews you are about to undertake. Moreover, some authors of the reports on which you will base your assessment, have omitted or misrelated important pieces of evidence. This contribution examines, in detail, the bias and oversights that are likely to undermine your work."

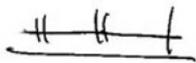
In light of the bias and errors pointed out, the contribution recommends that the Expert Committee should start reviewing the taxonomy of Cannabis-related products and substances before addressing systematics. So great is the chaos in this subject-matter field -for over 100 years already in discussion- that first the ABC of it should be determined.

Secondly, and directly related to the first consideration is our deep belief that the task at hand is of crucial importance for the development of our world. We are passing moments of great uncertainty in a post-truth political era, where an evidence-based argument seems to have lost its value. Many are astonished that such a switch of values materialized in such a short period of time. But those who use drugs and those who understand the war on drugs do know that prohibition has been the conduit to present lies as truth.

Your office, dedicated to put an end to the impunity of perpetrators of atrocity crimes, will have to overcome ages and oceans of lies if it wishes to arrive at the truth. Your task is a huge task. There is one certainty the DPI can offer: for the millions of victims the prohibition made and continues to make, millions more are ready to help you uncover the Truth. And so are we.

That this day of reflection, June 26th International Day against Abuse of Drugs, may help humanity to discover the truth: the blessings of use!

Sincerely yours,

A handwritten signature in black ink, consisting of a horizontal line with several vertical strokes and a final vertical stroke on the right side.

Adriaan Bronkhorst Buller for the
Drugs Peace Institute

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