

The Philippines – Very High/Ongoing:

The risk of atrocities in the Philippines remains very high/ongoing as the number of alleged extra-judicial killings (EJKs) continue. Although the Philippine National Police (PNP) in August claimed that the rate of drug-related deaths has decreased significantly, lawyers and human rights defenders have become targets of EJKs more recently as reported in the local media. Meanwhile, the delayed rehabilitation of Marawi more than a year after the extremist attacks in the city has increased frustration among many residents and may be used by ISIS-affiliated militants to attract local support and recruit terrorists in the area.

In August, the PNP claimed that drug-related deaths had reached a new low of 23 per week during the period from 5 December 2017 to 13 August 2018, compared to 39 per week between March to October 2017.¹ PNP Chief Oscar Albayalde said that the decline in the number of deaths may be attributed to the shift in the police operations against high value targets (HVT) from drug users and pushers.² It also reported that more than 200 police officials were relieved from posts as they tested positive for illegal drugs, while 95 PNP personnel were dismissed from the service for drug related offenses.³ Since July 2016, at least 4,814 deaths have been recorded in police anti-drug operations throughout the country, or an average of six deaths daily.⁴ Meanwhile, the Philippine Drug Enforcement Agency (PDEA) reported that close to 5,000 people have been killed in drug-related operations over the last two years from 1 July 2016 to end of September 2018. Specifically, 4,948 drug suspects were killed while over 158,000 persons were arrested in 110,395 anti-drug operations.⁵ It also reported that police arrested 582 government workers, including 250 elected officials and 270 employees, and 60 uniformed personnel in the anti-drug operations.⁶ Additionally, 286 law enforcers were dismissed for drug use and another 105 were sacked for drug-related offences over the last two years.⁷

While the PNP claims that the number of deaths related to the government's drug war has declined, an estimated 23,000 homicide cases under investigation (HCUI) remain unresolved many of which are suspected to be drug-related killings.⁸ Although the PNP denies this high estimate for homicide, the last figure that it released for deaths under investigation was in December 2016. The reliability of data from the PNP on drug-related killings under the Duterte administration has been consistently questioned by local and international media and human rights advocates. For example, research conducted by the German news *Deutsch Welle* pointed to the lack of reliable data on deaths related to the drug war. It noted that human rights advocates, local media groups, and the PNP have conducted their own tallies of deaths. Within the PNP, there are discrepancies between the numbers reported by its internal data management system and its Bantay Krimen (Crime Guard) monitoring

¹ "Drug war death toll down in 2018, says PNP," CNN Philippines online, 17 August 2018, from <http://cnnphilippines.com/news/2018/08/17/drug-war-death-toll-2018.html>, accessed on 22 November 2018.

² Aaron Recuenco, "PNP's anti-drugs war now focusing on 893 high-value targets – Albayalde," Manila Bulletin online, 19 August 2018, from <https://news.mb.com.ph/2018/08/19/pnps-anti-drugs-war-now-focusing-on-893-high-value-targets-albayalde/>, accessed on 21 November 2018.

³ "Drug war death toll down in 2018, says PNP," *ibid*.

⁴ Dharel Placido, "6 killed daily: War on drugs now 'less bloody' – PNP," ABS-CBN news online, 17 August 2018, from <https://news.abs-cbn.com/news/08/17/18/6-killed-daily-war-on-drugs-now-less-bloody-ppn>, accessed on 22 November 2018.

⁵ Catherine Gonzales, "PDEA: Almost 5000 killed in gov't drug war as of Sept.," Inquirer.net, 23 October 2018, from <https://newsinfo.inquirer.net/1046092/pdea-almost-5000-killed-in-governments-drug-war-as-of-september-2018>, accessed on 22 November 2018.

⁶ *Ibid*.

⁷ *Ibid*.

⁸ "Drug war death toll down in 2018, says PNP," *ibid*.

system even though they both draw from the same e-blotter reports. The lack of cooperation between the PNP and the national Commission on Human Rights (CHR) has made the latter's attempt to conduct investigations into the drug killings more difficult.⁹

Over the last two years since the start of the Duterte administration until 31 July 2018, 3,275 police personnel were charged with administrative cases related to anti-drug operations, of which 778 police officers have been exonerated while 2,438 cases were dismissed.¹⁰ During the same period, 267 police personnel have been dismissed for drug use and another 95 were dismissed for drug-related offences. The PNP acknowledged that between 65% to 75% of dismissed police personnel were of lower rank.¹¹ So far, many ranking police chiefs of erring policemen have not been held accountable, which is a reflection of a deeply hierarchical culture in the national police.¹² Accordingly, data from the PNP and media sources show that temporarily relieving erring cops did not necessarily result in a decline in the number of deaths connected to drug operations and homicide cases under investigation (HCUI).¹³

Meanwhile, Human Rights Watch has called on the government to form an independent commission to look into alleged participation of police officers in the killing of suspected people involved in the drug trade. This came in the aftermath of a statement made by a high-ranking police official in central Philippines alleging that some hitmen hired by drug lords were retired military or police officers.¹⁴ Clearly, the Duterte administration has not effectively contained the drug problem in the country after more than two years given the involvement of corrupt government officials and law enforcers in the network of drug syndicates in the country.¹⁵ In fact, there are still ongoing investigations in the Philippine Congress over drug smuggling incidents in the Bureau of Customs in May 2017 and in September 2018 worth Pesos 6.4 billion (US\$123 million) and 6.8 billion (US\$130 million), respectively, which involved customs officials and anti-drug law enforcers.¹⁶ President Duterte was strongly criticised for defending the two customs chiefs under whose watch the separate drug smuggling incidents happened respectively and for reappointing them to other government positions instead of dismissing them from the cabinet.

Notwithstanding the continuing deaths related to the drug war, Duterte's approval and trust ratings remain high—75% and 72% respectively—based on latest surveys.¹⁷ Although approval rating for the

⁹ "Investigating Duterte's drug war in Philippines — facts and fiction," Deutsche Welle online (DW.com), 9 May 2018, from <https://m.dw.com/en/investigating-dutertes-drug-war-in-philippines-facts-and-fiction/a-43695383>, accessed on 14 October 2018.

¹⁰ Dharel Placido, "6 killed daily: War on drugs now 'less bloody'—PNP," *ibid.*

¹¹ *Ibid.*

¹² Krixia Subingsubing, Mariejo S. Ramos, "Command responsibility? Chiefs of erring cops go scot-free," *Inquirer.net*, 4 November 2018, from <https://newsinfo.inquirer.net/1050179/command-responsibility-chiefs-of-erring-cops-go-scot-free>, accessed on 6 November 2018.

¹³ *Ibid.*

¹⁴ Darryl John Esguerra, "Rights group wants probe on 'hitmen-cops'," *Inquirer.net*, 21 November 2018, from <https://newsinfo.inquirer.net/1050853/rights-group-wants-probe-on-hitmen-cops>, accessed on 21 November 2018.

¹⁵ "Authorities tag 6 PNP–Drug Enforcement Group officials," *Politiko.com.ph*, 7 October 2018, from <http://politics.com.ph/authorities-tag-6-pnp-drug-enforcement-group-officials-behind-drug-empire/>, accessed on 8 October 2018.

¹⁶ See for example Jodesz Gavilan, "Timeline: How P6.4-B worth of shabu was smuggled into PH from China," 14 August 2017, from <https://www.rappler.com/newsbreak/iq/178667-timeline-smuggled-shabu-china-customs>, accessed on 21 November 2018; Jess Diaz, "Customs chief changes tune on shabu in magnetic lifters," *Philstar.com*, 25 October 2018, from <https://www.philstar.com/headlines/2018/10/25/1863054/customs-chief-changes-tune-shabu-magnetic-lifters#OA7EsbpbQlmyOaI.99>, accessed on 21 November 2018.

¹⁷ See "September 2018 Nationwide Survey on the Performance and Trust Ratings of the Top Philippine Government Officials and the Performance Ratings of Key Government Institutions," *PulseAsia online*, from <http://www.pulseasia.ph/september-2018-nationwide-survey-on-the-performance-and-trust-ratings-of-the-top->

government's efforts in fighting crime remains very high (83%), fighting inflation (63%) has become the most urgent public concern.¹⁸

Impunity remains a major risk factor in the Philippines as human rights defenders, judges, and lawyers have been targets of EJKs. Between July and November 2018, five lawyers and a judge have been killed by unidentified gunmen. Specifically, lawyer Benjamin Ramos, who was gunned down on 6 November, is a well-known human rights defender of political prisoners, farmers, and other members of the marginalised sector in the country. Edmundo Pintac, an executive judge of a regional trial court handling drug and firearms cases was gunned down on 8 October. Since July 2016, there are now 35 judges, lawyers, and prosecutors who were killed under the Duterte administration.¹⁹

Meanwhile, there have been 99 recorded cases of threats and attacks against the Philippine media after the Duterte administration took over in July 2016. Of these, 12 were cases of killings of media practitioners, of which 7 happened in Mindanao. Of the seven killed in Mindanao, five happened after martial was declared in July 2017. The Duterte administration is reportedly seeking another extension of martial law in the island after the current extension expires in December this year.²⁰

An important first step towards legal accountability for some of the killings was taken in late November when a Court in Caloocan City sentenced three police officers to between 20 and 49 years in jail for the drug-related killing of a 17-year old school student in 2017. In handing down his judgment, Judge Rodolfo Azucena said 'A shoot first, think later attitude can never be countenanced in a civilized society. Never has homicide or murder been a function of law enforcement'. The judgment was hailed as a victory for justice by human rights defenders, who also recognized that it was only a small step towards ending the killings and achieving accountability.²¹

Meanwhile, the delay in the rehabilitation of Marawi remains a major risk factor for atrocities in Mindanao as local residents affected by the crisis have not rebuilt their lives more than a year after the attacks by ISIS-affiliated militants. Following protests in mid-October by affected communities, the government finally started the ground-breaking rites for the rehabilitation of the city, which will initially focus on debris clearing and debris management operations in the main affected areas. It is estimated that the debris clearing and management, as well as construction of new road networks will take between 12 to 18 months, which will be followed by building of houses. Currently, there are still 65,000 internally displaced residents of Marawi staying in evacuation centres or staying with their relatives many of whom remain frustrated over the slow pace of rehabilitation.²² The extent of destruction in Marawi, along with bottlenecks in the creation of a consortium of local and foreign firms

[philippine-government-officials-and-the-performance-ratings-of-key-government-institutions/](#), accessed on 21 November 2018.

¹⁸ See "September 2018 Nationwide Survey on Urgent National Concerns and the Performance Ratings of the National Administration on Selected Issues," PulseAsia online, from <http://www.pulseasia.ph/september-2018-nationwide-survey-on-urgent-national-concerns-and-the-performance-ratings-of-the-national-administration-on-selected-issues/>, accessed on 21 November 2018.

¹⁹ Jodesz Gavilan, "LIST: Judges, prosecutors, lawyers killed under Duterte gov't," Rappler.com, 8 November 2018, from <https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government#2018>, accessed on 22 November 2018.

²⁰ Carolyn O. Arguillas, "7 of 12 journos killed under Duterte admin were from Mindanao," Mindanews.com, 22 November 2018, from <http://www.mindanews.com/top-stories/2018/11/7-of-12-journos-killed-under-duterte-admin-were-from-mindanao/>, accessed on 22 November 2018.

²¹ 'Philippine court jails three police officers for murder in Rodrigo Duterte's war on drugs', ABC News, 30 November 2018.

²² Ted Kan Juanite, "Maranaos protest delays in Marawi rehabilitation," Manila Times online, 18 October 2018, from <https://www.manilatimes.net/maranaos-protest-delays-in-marawi-rehabilitation/453470/>, accessed on 11 November 2018.

who will be engaged in undertaking the projects, have contributed to delays in launching the city's rehabilitation.

Recommendations:

With regard to the anti-drug war, the Philippine government should:

1. Take positive steps to ensure that the security forces conduct themselves in a manner consistent with its legal obligations under international human rights law.
2. Continue to ensure that the Philippines Drug Enforcement Agency leads anti-drug policy, and that there is adequate oversight of police.
3. Ensure that allegations of extra-judicial killings committed by police and security forces against drug suspects, journalists, indigenous peoples, and environmental protection activities are properly investigated and the perpetrators held accountable before the law.
4. Create an independent commission to investigate the involvement of customs, police, military, and other law enforcement agents in drug-related deaths and drug smuggling.
5. Immediately cease the public incitement of violence against drug users, drug dealers and other targeted communities.
6. Comply with the Supreme Court's ruling by providing full documentation of police operations taken as part of the anti-drug war as part of ensuring accountability.
7. Fulfil its international legal obligations by cooperating with the Prosecutor of the International Criminal Court.
8. Reconsider its decision to withdraw from the International Criminal Court

With regard to the peace in Mindanao and the rehabilitation of Marawi, the Philippine government should:

1. Ensure the efficient and effective implementation of the Marawi rehabilitation plan and respond to the growing frustration of affected communities in the area.
2. Continue to provide protection for civilians and support humanitarian assistance to internally displaced persons especially those who are now returning to their residence in Marawi.
3. Respond adequately and effectively to the needs of residents of Marawi as they attempt to rebuild their lives and address the concerns in relation to the government's rehabilitation plans.