

The Philippines – Very High/Ongoing:

The risk of atrocities in the Philippines remain very high as deaths from the government's anti-drug war, EJKs, and election-related violence continue to rise. Following the Philippines' withdrawal from the International Criminal Court (ICC), which came into effect on 17 March this year, the general public remain wary of lives lost in the anti-drug war even though majority of the population remain supportive of the government's campaign and President Duterte still maintains a very high trust and approval ratings at over 70 percent.

Since July 2016, the death toll in the drug war has reached 5,176 as of end of February 2019 according to government sources. This figure is significantly lower than the estimated 12,000 drug war-related deaths claimed by human rights organisations in the country.ⁱ The Philippine National Police (PNP) also reported that the number of drug-related killings in the Philippines went down by 70 percent in 2018 compared to the previous year. Specifically, it claimed that there were only 272 drug-related homicides in 2018 compared to 956 cases in 2017. However, an independent media monitoring by a major news investigative and research group covering news released by regional police offices and the Philippine Drug Enforcement Agency (PDEA) claimed that there were 1,021 drug related fatalities in 2018 compared to 916 people killed in 2017, or a 11 percent increase in deaths.ⁱⁱ

As of the end of 2018, public opinion remains generally supportive of President Duterte's anti-drug war. Specifically, about 66 percent of Filipinos say that the number of illegal drug users in their area has decreased. However, 95 percent of respondents said that it is important for illegal drug trader suspects to be captured alive and 87 percent said that it is important for the police to capture them alive.ⁱⁱⁱ President Duterte's approval (81 percent) and trust (76) ratings of increased in the last quarter of 2018 by 6 and 4 percentage points, respectively compared to the previous quarter of 2018.^{iv}

Meanwhile, in the run-up to the May 2019 mid-term elections, the number of political killings in the Philippines increased significantly in 2018. Specifically, the PNP claimed that there were 38 politically-motivated murders committed last year compared to 19 in 2017.^v It also claimed that some 2,473 individuals have been arrested, along with confiscation of 2,039 firearms and over 16,000 other deadly weapons in police operations between 7 January and 13 March as part of preventive measures in connection with the mid-term elections.^{vi} The PNP also identified over 900 election hot spots in the country, which comprise 57.60 percent of the 1,634 cities and municipalities throughout the Philippines. Some 570 of these hot spots fall under the category of grave concern, of which 71 percent (or 409) are in Mindanao. Election-related violence in these areas are expected to intensify further as the 9 May elections draw closer.^{vii}

In Mindanao, martial law remains in effect after it was extended for another year until end of 2019. Despite the generally peaceful ratification of the Bangsamoro Organic Law (BOL) and the creation of the Bangsamoro Transitional Authority (BTA), the risk of atrocities remains, for a number of reasons. These include: 1) the fragile process of decommissioning of combatants and weapons of the MILF; 2) the bitter rivalry between the MILF and the MNLF, which could lead to eruption of violence as the latter refuse to recognise the legitimacy of MILF-led BTA; and 3) the continuing threat by extremist groups such as the Bangsamoro Independence Freedom Fighters (BIFF) and other pro-ISIS militants who are not yet fully supportive of the BTA. In mid-March, the Armed Forces of the Philippines (AFP) conducted clearing operations in Maguindanao, which resulted in 20 BIFF forces killed and over 35,000 civilians displaced cumulatively since fresh clashes between the AFP and the BIFF erupted.^{viii} The slow rehabilitation of Marawi could also contribute to increased frustration of affected communities with the national government and serve as fertile ground for further recruitment by extremist groups in Mindanao.

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 their 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 despite the effective withdrawal of the Philippines as of 17 March 2019.
8. Reconsider its decision to withdraw from the International Criminal Court.

With regard to the upcoming mid-term elections:

1. Ensure that adequate provisions to combat politically-motivated EJKs and minimise election-related violence especially in hotspots throughout the country.

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.

4. Support the full implementation of the Bangsamoro Organic Law and continue to work with the Bangsamoro Transitional Authority to ensure the promotion of peace, rule of law, and good governance in the expanded Bangsamoro Autonomous Muslim Mindanao (BARMM).
5. Support efforts to promote dialogue and confidence building between the MILF and the MNLF and prevent attempts by the latter to undermine the implementation of the BOL and authority of BTA.

ⁱ “Death toll in Duterte drug war up to 5,176 — Real Numbers PH,” The Manila Times online, 28 February 2019, from <https://www.manilatimes.net/death-toll-in-duterte-drug-war-up-to-5176-real-numbers-ph/518667/>, accessed on 1 March 2019.

ⁱⁱ Maan Macapagal, “Drug-related killings down in 2018 says PNP,” ABS-CBN News Online, 3 February 2019, from <https://news.abs-cbn.com/news/02/03/19/drug-related-killings-down-in-2018-says-pnp>, accessed on 3 February 2019.

ⁱⁱⁱ Social Weather Stations, “Fourth Quarter Social Weather Survey: 66% of Filipinos say the number of illegal drug users in their area has decreased,” SWS Online, 16 February 2019, from <https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20190216095842>, accessed on 18 February 2019.

^{iv} “Duterte approval, trust ratings climb end-2018: Pulse Asia survey,” ABS-CBN News Online, 11 January 2019, from <https://news.abs-cbn.com/news/01/11/19/duterte-approval-trust-ratings-climb-end-2018-pulse-asia-survey>, accessed 11 January 2019.

^v Maan Macapagal, “Political killings doubled in 2018 says PNP data,” ABS-CBN News Online, 3 February 2019, from <https://news.abs-cbn.com/news/02/03/19/political-killings-doubled-in-2018-says-pnp-data>, accessed on 3 February 2019.

^{vi} Felicia Bajo, “PNP: 2,473 people nabbed in ‘focused’ police ops for 2019 midterm polls,” GMA News Online, 8 March 2019, from <https://www.gmanetwork.com/news/coverstories/?globalbanner>, accessed 9 March 2019.

^{vii} Anna Felicia Bajo, “PNP identifies more than 900 poll hot spots,” GMA News Online, 25 March 2019, from [https://www.gmanetwork.com/news/news/nation/689103/pnp-identifies-more-than-900-poll-hot-spots/story/?just_in&headline\[25/03/2019](https://www.gmanetwork.com/news/news/nation/689103/pnp-identifies-more-than-900-poll-hot-spots/story/?just_in&headline[25/03/2019), accessed on 27 March 2019.

^{viii} UN OCHA, “Philippines: Mindanao humanitarian situation - Flash Update No 1, 25 March 2019,” Reliefweb online, 25 March 2019, from <https://reliefweb.int/report/philippines/philippines-mindanao-humanitarian-situation-flash-update-no-1-25-march-2019>, accessed on 27 March 2019.