

### The Philippines – Very High/Ongoing:

The risk of atrocities in the Philippines remain very high as deaths from the government's anti-drug war, extra-judicial killings (EJKs), and politically-motivated killings continue to rise. While the recent mid-term elections in May were generally peaceful and orderly, there were 144 incidents of election-related violence that were reported in Mindanao involving the use of explosions and brawls among political supporters of candidates. As Mindanao is under martial law, these incidents are relatively low compared to previous elections. However, these violent incidents usually spill over into clan-violence and other identity-based conflicts in Mindanao.<sup>1</sup>

The Philippine National Police (PNP) on 6 June reported that as of 31 May 2019, there have been 6,600 drug suspects who were killed under the government's anti-drug operations since the Duterte administration took over on 1 July 2016.<sup>2</sup> However, an independent consortium of academic institutions in April placed the number of drug-related deaths in the country at over 7,000 (for the period 10 May 2016 to 31 December 2018) based on media reports of anti-drug killings throughout the country.<sup>3</sup> While the number of drug-related killings remain disputed, the Supreme Court of the Philippines in April said that the number of deaths in the government's drug war is "a matter of grave public concern" as it directed the Duterte administration to release police reports related to its anti-drug operations. The Supreme Court granted the petition of human rights defenders for the release of these reports despite strong objections from the government.<sup>4</sup> An initial examination of police reports by human rights lawyers indicate that there was a pattern of lack effort on the part of the PNP to investigate the killings related to the drug war.<sup>5</sup>

Meanwhile, the Philippine Drug Enforcement Agency (PDEA), which is the lead civilian agency in the government's anti-drug war, reported in April that the conviction rate for drug related cases in 2018 increased by 46.82 percent (31,111 out of 41,583 cases filed in 2018, or 81.82 percent) compared to 35 percent of 41,224 cases filed in 2017.<sup>6</sup>

On 8 June, eleven independent international experts called on the UN Human Rights Council to launch an independent investigation on "the sharp deterioration of human rights" in the Philippines based on the staggering statistics on unlawful and violent killings of drug suspects. The Philippine government however rejected the call and branded it as an "act of bad faith" that aims to undermine

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<sup>1</sup> "144 election-related incidents reported in Mindanao – group," Rappler online, 23 May 2019, from <https://www.rappler.com/nation/politics/elections/2019/231387-reports-election-related-incidents-mindanao>, accessed on 26 May 2019.

<sup>2</sup> Emmanuel Tupas, "Drug war death toll now 6,600 – PNP," Philstar online, 19 June 2019, from <https://www.philstar.com/headlines/2019/06/19/1927750/drug-war-death-toll-now-6600-pnp#80AZxqAASYk9Mxod.99>, accessed on 19 June 2019.

<sup>3</sup> Krixia Subingsubing, "Academe-led database: Over 7,000 suspects killed in 3-year drug war," Inquirer.net, 27 April 2019, from <https://newsinfo.inquirer.net/1111203/academe-led-database-over-7000-suspects-killed-in-3-year-drug-war#ixzz5rRgtzixZ>, accessed on 27 April 2019.

<sup>4</sup> Nicole-Anne C. Lagrimas, "SC: Thousands of drug war deaths a matter of 'grave public concern'," GMA News online, 17 April 2019, from [https://www.gmanetwork.com/news/news/nation/691553/sc-thousands-of-drug-war-deaths-a-matter-of-grave-public-concern/story/?just\\_in&headline](https://www.gmanetwork.com/news/news/nation/691553/sc-thousands-of-drug-war-deaths-a-matter-of-grave-public-concern/story/?just_in&headline), accessed on 19 April 2019.

<sup>5</sup> Lian Buan, "Initial tokhang documents show lack of genuine probe into killings – lawyers," Rappler online, 4 April 2019, from [https://www.rappler.com/nation/227397-lawyers-say-initial-oplan-tokhang-documents-show-lack-genuine-probe-killings?utm\\_term=Autofeed&utm\\_campaign=Echobox&utm\\_medium=Social&utm\\_source=Facebook#Echobox=1554447046](https://www.rappler.com/nation/227397-lawyers-say-initial-oplan-tokhang-documents-show-lack-genuine-probe-killings?utm_term=Autofeed&utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#Echobox=1554447046), accessed on 7 April 2019.

<sup>6</sup> Dona Magsino, "Conviction rate of drug cases in 2018 up by 46.82% — PDEA," GMA News online, 17 April 2019, from <https://www.gmanetwork.com/news/news/nation/691520/conviction-rate-of-drug-cases-in-2018-up-by-46-82-pdea/story/?lateststories>, accessed on 17 April 2019.

the country's domestic legal processes. Specifically, the Department of Foreign Affairs accused the experts of showing bias and political agenda even as it argued that they ignored accountability measures and other information provided by the Philippines in good faith.<sup>7</sup>

Extra-judicial killings in the Philippines in relation to the government's drug war appears to have contributed to the rise of homicide rate in the country, which is three times more than what it was before Duterte took over in 2016 and five times higher than the average in Southeast Asia.<sup>8</sup> Specifically, these drug-related EJKs may have encouraged more political killings, vigilantism, turf wars, violent land grabs, and settling of scores in the country, which were all carried out on the pretext of anti-drug operations by corrupt policemen, local officials, or vigilantes according to a researcher of Human Rights Watch.<sup>9</sup> The PNP has confirmed that apart from confirmed deaths related to the drug war, there are some 29,000 homicides since mid-2016 that are still under investigation. Together with official figures on drug-related deaths, the average rate of non-conflict homicide in the Philippines increased to 22 per 100,000 people from 9 per 100,000 people before Duterte came to power, according to UN Office on Drugs and Crimes. Clearly, this is higher than the Southeast Asia average of 4.3 per 100,000 people.<sup>10</sup>

Notwithstanding concerns over drug-related killings in the country, Duterte's overall satisfaction rating in the country remain high at 79 percent as of March 2019, which is a 5 point increase from his satisfaction rating of 74 percent in December 2018. In Mindanao, his satisfaction rating improved by 15 percent from 83 percent in December 2018 to 92 percent in March 2019. This may be due to the passage of the Bangsamoro Organic Law (BOL), which was ratified in January this year, and the creation of the Bangsamoro Transitional Authority (BTA) that will oversee the implementation of the organic law.<sup>11</sup> The high approval rating of Duterte also contributed to the dismal loss of opposition candidates in the Senate during the mid-term elections in May as they focused on criticising the government's anti-drug war and its timid response to China's aggressive behaviour in the South China Sea.

### **Recommendations**

The government of The Philippines 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.

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<sup>7</sup> Michaela Del Callar, "DFA rejects call of UN experts for probe on rights violations in PHL," GMA News online, 8 June 2019, from <https://www.gmanetwork.com/news/news/nation/697063/dfa-rejects-call-of-un-experts-for-probe-on-rights-violations-in-phl/story/?lateststories>, accessed on 9 June 2019.

<sup>8</sup> Huw Watkin, "A lot of mini-Dutertes': drugs war blamed as murders soar in Philippines," The South China Morning Post online, 15 June 2019, from [https://www.scmp.com/week-asia/society/article/3014601/lot-mini-dutertes-drugs-war-blamed-murders-soar-philippines?utm\\_medium=Social&utm\\_source=Facebook#Echobox=1560591308](https://www.scmp.com/week-asia/society/article/3014601/lot-mini-dutertes-drugs-war-blamed-murders-soar-philippines?utm_medium=Social&utm_source=Facebook#Echobox=1560591308), accessed on 15 June 2019.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> "Duterte keeps 'very good' satisfaction rating in Q1 2019: SWS," ABS-CBN News online, 10 April 2019, from <https://news.abs-cbn.com/news/04/10/19/duterte-keeps-very-good-satisfaction-rating-in-q1-2019-sws>, accessed on 19 April 2019.

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.
9. Reconsider its opposition to the call made by 11 international experts on 8 June for the UN Human Rights Council to conduct an independent investigation on the deterioration of human rights in the Philippines due to continuing unlawful killings in relation to the drug war.