

The Philippines – Very High/Ongoing:

The Philippines remains at a very high risk for atrocities as the government’s bloody anti-drug war (which still enjoys majority support from the public) continue unabated. The counter-insurgency campaign against communist insurgents as well as the threat posed by extremist group in Mindanao also contribute to continuing high risk of atrocities in the country.

As of 31 July, the Philippine National Police (PNP) reported that at least 6,847 suspected drug offenders were killed in alleged shootouts with law enforcers. Over 256,000 drug offenders were also arrested in over 163,700 police anti-drug operations throughout the country. It also claimed that over 1.2 million drug pushers and users surrendered under the government’s Operation Tokhang campaign.ⁱ The PNP’s deaths count, however, is higher than the 5,526 killings reported by the Philippine Drug Enforcement Agency (PDEA) covering the same period. President Duterte said that he stands by the figures provided by the PNP despite higher estimates on drug-war killings since he started his term in 2016 by human rights advocates and investigative journalists. For example, the Stabile Center for Investigative Journalism in August said that based on the data it collected, “large numbers of killings of drug suspects by both police and unidentified shooters, have been excluded from official counts.”ⁱⁱ In particular, the investigative report claimed that the total number of documented drug-linked homicides is “almost 2.5 times more than the official count.”ⁱⁱⁱ In a related report, a press release in July by the Armed Conflict Location and Events Data (ACLED) said that violence against civilians continued unabated in the Philippines in the first half of the year, with alleged drug suspects accounting for 75% of civilian deaths.^{iv} It also claimed that since 2018, majority of violent attacks targeting civilian drug suspects were by state enforcers, with the PNP responsible for many of the executions.^v

In September, a group of lawyers issued a statement calling for protection of lawyers in the country as they noted the increased attacks and EJKs against legal practitioners. Specifically, the group pointed out that since Duterte took over 30 June 2016, 41 lawyers and prosecutors have been killed between 1 July 2016 to 5 September 2019. Moreover, 46 judges and retired judges have fallen victim to EJKs for the same period, with 8 jurists surviving the attacks. Most of these killings allegedly happened in the context of the government’s war on drugs, which were carried out throughout the country.^{vi}

Thus far, the Duterte government has failed to seriously pursue accountability for PNP law enforcers involved in drug war killings. In fact, majority of the police officers who took part in fatal operations have not been charged. Since 2016, only 103 police officers have been criminally charged and 150 others have undergone inquest in relation to drug-related killings. This was less than 50% of the 594 policemen slapped with administrative charges in connection with the drug war operations.^{vii} Corruption within the PNP is also a problem as no less than the head of the organisation was forced to resign recently after he was accused of protecting policemen under his command in the recycling of drugs supposedly confiscated during an anti-drug operations way back in 2013. During a senate blue ribbon hearing in September, a number of retired police generals disclosed that then PNP chief General Oscar Albayalde protected a number of “ninja cops” or police officers involved in recycling drugs under his command while he was a provincial head of the police. Following this expose, the head of the PNP’s Internal Affairs Service (IAS) proposed amending existing laws to make it an independent body outside of the administrative control of the police organisation. This would enable the IAS to conduct inspection and audit of police personnel, handle criminal complaints, and provide protection for witnesses against corrupt police officers. He also lamented that under Albayalde, on 30% of resolutions against a number of policemen were implemented.^{viii} Although some Philippine senators vowed to pursue criminal charges against Albayalde and his “ninja cops”, President Duterte has so far not instructed the PNP to do the same.

Amidst continuing international pressure and criticisms about his government's bloody anti-drug war, President Duterte remains adamant that his government will not heed calls for independent investigations that will be conducted by the UN. It may be recalled that a resolution in the UN Human Rights Council sponsored by Iceland in July called for an independent investigation into the anti-drug war killings. While the government was not successful in blocking the resolution, the Duterte administration threatened to arrest any UN investigators coming into the country, including those from the International Criminal Court (ICC).^{ix} Some of Duterte's cabinet officials criticised the UNHRC resolution as "maliciously partisan" and "designed to embarrass" the Philippine government, even as his foreign secretary even threatened that the country will withdraw from the Council just like what the US did under Trump.^{xi} Subsequently, the Duterte administration issued a memo to all government agencies to suspend any aid negotiations with 18 countries that supported the Iceland resolution in the Council, which took effect on 27 August. Foreign Secretary Teodoro Locsin Jr. claimed that stopping aid talks with these countries was a "good idea" even as he asserted that the Philippines has "more than enough" and would only accept aid from countries like Japan "whose aid is unconditional."^{xii}

Notwithstanding the continuing rise in drug-related killings, public support for the government's drug war remain very high (or "excellent") with 54% very satisfied and 28% somewhat satisfied, or over 70% net satisfaction rating (minus 12% dissatisfied) as of the second quarter of 2019.^{xiii} Based on latest public opinion polls conducted in September, President Duterte still enjoys over 70% satisfaction and trust ratings, although this was slightly lower than his over 80% ratings in the previous quarter.^{xiv}

Beyond the drug war, EJKs continue in the country in connection with the government's counter-insurgency operations against communist insurgents. In particular, the central island of Negros became the epicentre of human rights violations and killings following suspected attacks by the communist New People's Army (NPA) against policemen in July. At least 21 people have been killed, including a lawyer and some local government officials.^{xv} In April, 14 farmers believed to be communist sympathisers were killed in joint police and military counter-insurgency operations in Negros Oriental, followed by the killings of four policemen and three public officials in July. President Duterte ordered increased deployment of military and police forces in the island following the spate of killings in July. Since 2017, human rights watchdog Defend Negros Network claimed that 87 people have been killed in Negros island.^{xvi} The risk of atrocities against civilians in Negros island and other areas of the country remains high as the government has for now remained unwilling to reopen peace talks with the Communist Party of the Philippines/New People's Army (CPP/NPA).

In Mindanao, the rehabilitation of Marawi two years after the siege by ISIS-inspired Maute group is expected to start by end of October after delays in implementing the project. The the task force in charge of implementing the rehabilitation said that it expects to clear ground zero of unexploded bombs by 31 October and debris by 30 November. The full rehabilitation of Marawi is expected to be completed by 2022. Amidst the ongoing rehabilitation efforts, the mayor of the city urged the residents to remain vigilant against the extremist Maute group, which is said to be regrouping.^{xvii} In August, the Philippine military claimed that some 7 foreign terrorists were seen in Mindanao providing training for the Abu Sayyaf group in bomb-making and suicide bombing.^{xviii} The first incident of a local Filipino being involved in a suicide bombing was confirmed by the Philippine military, which happened in July in Indanan, Sulu. Suicide attacks in the Philippines is rare and has not involved any locals until the incident in July. This year, two bombing attacks took place in Basilan in a Catholic Cathedral and a military checkpoint in January and July, respectively.^{xix} The risk of atrocities in Mindanao remains very high amidst continuing threats from extremist groups who remain outside the recently ratified Bangsamoro Organic Law and are likely to be waiting in the wings to exploit frustrations by civilian

residents in Marawi and nearby areas in the much-delayed rehabilitation of the city. The whole of Mindanao remains under martial law, which may be extended further if the threat of violence by extremist groups remain high.

Recommendations:

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. Seriously consider amending the Philippine National Police charter to make the Internal Affairs Services an independent body with robust mandate to prosecute corrupt police officials who are involved in drug-related killings and drug trafficking, including recycling.
6. Immediately cease the public incitement of violence against drug users, drug dealers and other targeted communities, including human rights defenders, lawyers, and jurists.
7. 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.
8. 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.
9. Reconsider its decision to withdraw from the International Criminal Court.
10. 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.
11. Reconsider its decision to stop negotiations with 18 countries that supported the resolution in UN Human Rights Council, as this would have serious implications for the much needed bilateral assistance in areas related to human rights protection, humanitarian assistance in the rehabilitation of conflict-affected areas of Mindanao, as well as external security issues.
12. Ensure the efficient, effective, and responsive implementation of the Marawi rehabilitation project, which has been delayed for two years since the siege in 2017. As well, the government should ensure the protection of human rights of vulnerable populations in Mindanao amidst the continuing declaration of martial law in the whole of the island.

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- ⁱⁱⁱ Philippine Drug War Casualties, Overview, Dataset by Stabile Center for Investigative Journalism, from <https://data.world/stabile-center/ph-drug-war/>, accessed on 10 October 2019.
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- ^v Ibid.
- ^{vi} “Joint call by international legal community: Protect Filipino Lawyers,” 17 September 2019, from <https://lawyersforlawyers.org/en/joint-call-by-international-legal-community-protect-filipino-lawyers/>, accessed on 18 September 2019.
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