

### **The Philippines Risk: Very High/Ongoing**

The Philippines remains at very high risk for atrocities in the face of widespread human rights violations and persistent impunity. The situation has been further complicated by the government's response to the Covid-19 pandemic.

Armed conflict in the Philippines persists despite the pandemic, notwithstanding a brief ceasefire with the Communist Party of the Philippines-National Democratic Front (CPP-NDF).<sup>i</sup> <sup>ii</sup> The President placed a P2-million bounty for the capture/ death of “top NPA commanders” <sup>iii</sup> and government operations in May led to the death of 16 communist rebels according to the AFP. <sup>iv</sup> The President has threatened to declare martial law should the “NPA’s lawlessness” continue in the pandemic.<sup>v</sup> Meanwhile, 12,000 citizens were displaced in Mindanao amid fears of Covid-19 due to clan wars and conflicts between former and current commanders of the Moro Islamic Liberation Front (MILF). <sup>vi</sup> ISIS-allied terror groups such as the Abu Sayyaf also continue to threaten civilians and government forces despite the pandemic. <sup>vii</sup> The latest attack involved the shelling of a house on Eid’l Fit’r, killing 2 children. <sup>viii</sup> Although crime rates drastically dropped during the lockdown<sup>ix</sup>, the number of killings spiked in Manila after the easing of lockdown restrictions on 1 June (however, there has yet to be any data on whether these killings were drug related or not).<sup>x</sup> That said, at least 8,663 people have been killed in the drug war since mid-2016, as of 4 June 2020 according to the government. However, rights groups estimate three times more. <sup>xi</sup>

According to the report of the Office of the UN High Commissioner on Human Rights released on 4 June, ‘heavy-handed focus on countering national security threats and illegal drugs’ has led to serious human rights violations in the country. This included ‘killings and arbitrary detentions, as well as vilification of dissent.’ The report also noted that since the beginning of the government’s campaign against illegal drugs in 2016, there have been at least 8,663 deaths according to official figures.<sup>1</sup> Between 2015 and 2019, the UN Human Rights Office also documented at least 248 people have been killed in relation to their work (e.g., human rights defenders, lawyers, journalists, and labour union leaders). Near impunity for these killings remain as only one conviction has been made for the killing of a drug suspect in a police operation in 2016. Among others, the report pointed to: 1) failure of domestic mechanisms to ensure accountability; 2) the apparent lack of due process protections in the campaign against illegal drugs; 3) warrantless police raids of private households and the use of falsified evidence; 4) vilification of dissent and attacks against perceived critics of the government, which are ‘increasingly institutionalised and normalised’; and 5) ‘red-tagging’ or labelling of individuals and non-government organisations who are human rights advocates as communists or terrorists. It also noted that human rights abuses were also committed by non-state actors, including the recruitment of children and extortion by the communist New People’s Army (NPA), which was listed by the UN as among parties that commit grave violations affecting children in armed conflicts.<sup>2</sup>

On 9 June, both houses of the Philippine Congress passed an anti-terrorism law, which many human rights advocates view as likely to lead to more human rights abuses in the country. The new law, which is an updated version of the 2007 Human Security Act, gives more powers to authorities to arrest suspects without warrants and detain them for longer period of time and conduct surveillance

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<sup>1</sup> Other estimates place the figure at three times higher. “Philippines: UN report details widespread human rights violations and persistent impunity,” OHCHR.org, 4 June 2020, from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>, accessed on 10 June 2020.

<sup>2</sup> Ibid.

for 90 days. It also allows for setting up of an anti-terror council that will define what constitutes acts of terrorism. Critics of the Duterte administration view the new law as a tool to suppress civil liberties and to silence opposition groups in the country. The Commission of Human Rights (CHR), rights groups, and lawmakers have expressed concerns over the bill with many calling for its junking due to its vague definition of terrorism that makes it prone to abuse, among other concerns.<sup>xii</sup> The government and supporters of the law argue that there are enough safeguards to protect freedom of speech and other fundamental rights even as they contend that the country's Bill of Rights enshrined in the constitution remains in place. It is likely that the constitutionality of the new law after Duterte signs it will be questioned in the supreme court by civil liberties advocates.<sup>3</sup> At least 1000 students and civil rights groups protested against the bill in the University of the Philippines (UP) Diliman.<sup>xiii</sup>

Meanwhile, the Philippine Human Rights Commission in May reported that it received 495 complaints of human rights violations since the start of the enhanced community quarantine imposed by the government in the national capital region and nearby provinces in the main island of Luzon. The complaints include alleged torture as well as inhumane and degrading punishments meted out by law enforcers or local government officials on civilians who broke curfew and other quarantine measures. A retired military soldier was shot dead by a policeman and another civilian was beaten by government officials for violating quarantine rules.<sup>4</sup>

Following an increase in cases in March 2020, President Duterte began lockdown measures in the island of Luzon (the largest island in the Philippines)<sup>xiv</sup>, later expanding to other parts of the country.<sup>xv</sup> Shortly after, the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) were deployed to enforce new quarantine rules and border checkpoints.<sup>xvi</sup> On 1 April, a group of protesters demanding food aid were violently dispersed and arrested for violating quarantine protocol<sup>xvii</sup> and by 2 April (less than three weeks after the lockdown was implemented), 20,389 quarantine violators were arrested according to the PNP

<sup>xix</sup> The PNP then defended this remark by citing a leftist group as the cause of the incident while assuring the public that the police would not follow the order literally. <sup>xx</sup> On 21 April, the President threatened a "martial law-like" crackdown after he noted widespread public defiance of the Luzon-wide lockdown. <sup>xxi</sup> He also ordered the PNP to arrest violators without warning. <sup>xxii</sup> In response, PNP Chief Archie Gamboa ordered his regional directors to intensify crackdown of quarantine violators. On 24 April, a police officer shot and killed a retired soldier suffering from post-traumatic stress disorder (PTSD) at a checkpoint for violating quarantine. The veteran was allegedly carrying a firearm. <sup>xxiv</sup> The National Bureau of Investigation (NBI) later verified that the gun was planted and filed murder and perjury complaints against the police responsible. <sup>xxv</sup> By 29 April, more than 100,000 people were arrested as rights groups called for the investigation of cases of abuse of quarantine violators <sup>xxvi</sup> and the arrest of activists handling relief goods. This is in light of criticisms against the President for defending a Police Major General who held a birthday party that violated quarantine rules and allowing the latter to keep his post as a regional police chief. The lockdown in the capital Manila began easing on 1 June, however, by then it was already one of the longest lockdown measures in the world, surpassing the 76-day Wuhan quarantine. <sup>xxix</sup> The Philippines has and continues to be severely affected by the pandemic with 21,895 confirmed positive cases and a death toll of 1,003 according to the Department of Health (DOH) as of 7 June 2020. <sup>xxx</sup>

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<sup>3</sup> Ana P. Santos, "Philippine anti-terrorism law triggers fear of massive rights abuses," Deutsche Welle (DW) online, 8 June 2020, from <https://www.dw.com/en/philippine-anti-terrorism-law-triggers-fear-of-massive-rights-abuses/a-53732140>, accessed on 10 June 2020.

<sup>4</sup> Maricar Cinco, "Rights violations persist during lockdown—CHR," Inquirer.net, 20 May 2020, from <https://newsinfo.inquirer.net/1277743/rights-violations-persist-during-lockdown-chr>, accessed on 20 May 2020.

Meanwhile, thousands of cases of violence against women and children were recorded by the police since the start of the lockdowns as stated in a 8 June report.<sup>xxxi</sup> In June 2020, the UN High Commissioner for Human Rights accused the Philippine government of using the Covid-19 pandemic to censor citizens, to which the government denied. The PNP claimed that the arrest of several netizens criticizing the President on social media was lawful and charged many with inciting sedition.

These include the warrantless arrest of a salesman who called the President “crazy” on social media. The Philippine government also asked Taiwan to deport a Filipino worker accused of cyber-libel for criticizing the President (a request the Taiwanese government refused).<sup>xxxv</sup>

#### Recommendations:

1. The Philippine government should uphold its primary responsibility to protect by complying with international norms on human rights protection and humanitarian law. Specifically, it should hold accountable law enforcers and other members of the security sector for violations of human rights in relation to the war on illegal drugs and campaign against terrorism.
2. The government should also ensure that fundamental human rights, including rights to due process and freedom of expression, are protected in the implementation of the new anti-terrorism law. It should not use the new law to silence legitimate dissent and critics of the government.
3. The government should Investigate and address impunity and the continuing human rights violations by police, military, and other armed groups in relation to the government’s Covid-19 response, drug war, and counter-insurgency campaign by filing appropriate charges against violators.

<sup>i</sup> Eimor Santos, “Duterte declares unilateral ceasefire with CPP-NPA to focus on COVID-19 fight”, CNN Philippines Online, 18 March 2020, from <https://www.cnnphilippines.com/news/2020/3/18/duterte-cpp-npa-ceasefire-covid-19.htm>, accessed on 9 June 2020.

<sup>ii</sup> Gabriel Pabico Lal, “CPP announces ceasefire from March 26 to April 15 due to COVID-19 pandemic”, Inquirer Online, 25 March 2020, from <https://newsinfo.inquirer.net/1247910/cpp-announces-ceasefire-from-march-26-to-april-15-due-to-covid-19-pandemic>, accessed on 9 June 2020.

<sup>iii</sup> Ruth Abbey Gita-Carlos, “Duterte offers P2-M bounty for capture of NPA top leaders”, Philippine News Agency Online, 12 May 2020, from <https://www.pna.gov.ph/articles/1102554>, accessed on 9 June 2020.

<sup>iv</sup> CNN Philippines Staff, “16 communist rebels killed in a week, AFP says”, CNN Philippines Online, 13 May 2020, from <https://cnnphilippines.com/news/2020/5/13/afp-cpp-npa-clashes.html?fbclid=IwAR1ymH2Sh2F3tCtOq3gk-13-BjcfBXgmpDgC0Brtxrdikqt7GQyFN901M>, accessed on 9 June 2020.

<sup>v</sup> Christina Mendez, “Duterte warns of martial law if ‘lawlessness’ of NPA persists”, Philippine Star Online, 25 April 2020, from <https://www.philstar.com/headlines/2020/04/25/2009657/duterte-warns-martial-law-if-lawlessness-npa-persists>, accessed on 9 June 2020.

<sup>vi</sup> Edwin Fernandez, “‘Rido’ forces 12,000 out of Mindanao villages”, Inquirer Online, 10 June 2020, from <https://newsinfo.inquirer.net/1288928/rido-forces-12000-out-of-mindanao-villages>, accessed on 9 June 2020.

<sup>vii</sup> “Several Philippine soldiers killed in clashes with Abu Sayyaf”, Al Jazeera Online, 18 April 2020, from <https://www.aljazeera.com/news/2020/04/philippine-soldiers-killed-clashes-abu-sayyaf-200418042319606.html>, accessed on 9 June 2020.

<sup>viii</sup> Edwin Fernandez, Germelina Lacrote, “2 children killed, 15 wounded from mortar shelling in Maguindanao on Eid’l Fit’r”, Inquirer Online, 25 May 2020, from <https://newsinfo.inquirer.net/1280757/2-children-killed-15-wounded-from-mortar-shelling-in-maguindanao-on-eid-l-fit-r>, accessed on 9 June 2020.

<sup>ix</sup> CNN Philippines Staff, “Crimes in PH cut in half amid lockdowns, PNP data show”, CNN Philippines Online, 11 April 2020, from <https://cnnphilippines.com/news/2020/4/11/philippines-crime-rate-down-coronavirus.html>, accessed on 10 June 2020.

<sup>x</sup> Rey Galupo, “Killings spike in Manila after ECQ lifted”, Philippine Star Online, 10 June 2020, from <https://www.philstar.com/nation/2020/06/10/2019858/killings-spike-manila-after-ecq-lifted>, accessed on 10 June 2020.

<sup>xi</sup> “Near impunity’ for drug war killings in the Philippines, UN says”, Al Jazeera Online, 4 June 2020, from <https://www.aljazeera.com/news/2020/06/impunity-drug-war-killings-philippines-200604041319925.html>, accessed on 10 June 2020.

<sup>xii</sup> Gabriel Pabico Lal, “Anti-Terror Bill’s vague definition of terrorism prone to abuse – CHR”, Inquirer Online, 2 June 2020, from <https://newsinfo.inquirer.net/1285092/anti-terror-bills-vague-definition-of-terrorism-prone-to-abuse>

<sup>xiii</sup> CNN Philippines Life Staff, “IN PHOTOS: Civil rights groups protest #JunkTerrorBill”, CNN Philippines Online, 4 June 2020, from <https://www.cnnphilippines.com/life/culture/politics/2020/6/4/junk-terror-bill-rally.html>, accessed on 9 June 2020.

<sup>xiv</sup> Ana Santos, “Coronavirus: Philippines quarantines island of 57 million people”, Al Jazeera online, 17 March 2020, from [https://www.aljazeera.com/news/2020/03/coronavirus-philippines-quarantines-island-57-million-people-200316161225532.html?fbclid=IwAR1aAlyuqM2sDn33pFkKoUDpixE\\_UfiKBSY7UboZIBjsJR9LRb3xCzKozBA](https://www.aljazeera.com/news/2020/03/coronavirus-philippines-quarantines-island-57-million-people-200316161225532.html?fbclid=IwAR1aAlyuqM2sDn33pFkKoUDpixE_UfiKBSY7UboZIBjsJR9LRb3xCzKozBA), accessed on 9 June 2020.

<sup>xv</sup> Virgil Lopez, “Duterte extends enhanced community quarantine in NCR, other ‘high-risk’ areas”, GMA News Online, 24 April 2020, from <https://www.gmanetwork.com/news/news/nation/735382/duterte-extends-enhanced-community-quarantine-in-ncr-7-other-high-risk-areas/story/>, accessed on 9 June 2020.

<sup>xvi</sup> CNN Philippines Staff, “PNP to man checkpoints in Metro Manila ‘lockdown’”, CNN Philippines online, 13 March 2020, from <https://cnnphilippines.com/news/2020/3/13/npn-metro-manila-lockdown.html>, accessed on 9 June 2020.

<sup>xvii</sup> CNN Philippines Staff, “21 protesters demanding food aid arrested in Quezon City” CNN Philippines online, 1 April 2020, from <https://www.cnnphilippines.com/news/2020/4/1/quezon-city-protesters-arrested-.html>, accessed on 9 June 2020.

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- <sup>xxi</sup> <https://www.cnnphilippines.com/news/2020/4/19/afp-leaked-memo-preps-lockdown.html>, accessed on 9 June 2020.
- <sup>xxii</sup> David Santos, “AFP confirms leaked memo on preps for ‘martial law-like’ lockdown legit”, CNN Philippines Online, 19 April 2020, from <https://cnnphilippines.com/news/2020/4/21/quarantine-violators-face-arrest-without-warning.html>, accessed on 9 June 2020.
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