

The Philippines Risk: High/Ongoing

The Philippines remains at very high risk for atrocities as the government's anti-drug war operations has resulted in close 8,000 deaths as of end of October 2020 and since President Duterte came to power in July 2016. Human Rights Watch reported that drug war deaths in the country rose dramatically by 50 percent during the pandemic based on government statistics.¹ Meanwhile, two explosions in Jolo, Sulu in Mindanao in August that killed 15 and injured 74 persons signify a resurgence of violence perpetrated by militants affiliated with the pro-ISIS Abu Sayyaf Group (ASG) in the southern part of the Philippines, which involved local and foreign combatants. The signing of the Anti-Terrorism Law in July aimed at combatting terrorism by militants and communist insurgents have raised concerns about its potential for abuse by agents of the state against human rights advocates and legitimate opposition groups in the country. Notwithstanding all these concerns, Duterte's approval rating remains very high at 91%, which is higher than his 87% approval rating in September 2019.²

Despite strict lockdown measures since March to combat the spread of the pandemic in the country, anti-drug operations by the Philippine Drug Enforcement Agency (PDEA) and the PNP continued, resulting in the arrests of over 10,000 suspects and 67 deaths between 31 March and 31 May and seizure of illegal drugs worth over USD14 million.³ The Philippine National Police (PNP) reported that the death toll from its anti-drug war operations climbed to 7,987 as of end of October, with over 100 people killed in just two months. In his 60-day accomplishment report, the PNP Chief Gen. Camilo Cascolan said that in September to October alone, a total of 9,240 anti-drug operations were conducted by the police that resulted in 119 deaths.⁴ The PNP also reported that some 4,581 policemen have been dismissed from the service for various serious offenses, which include involvement in illegal drug use and trade. Specifically, 549 were dismissed for drug-related cases, of which 410 tested positive for drug use and 139 for involvement in drug trade. Since 2016, a total 15,768 errant cops were penalised by the PNP for various offenses.⁵ In August, the National Bureau of Investigation (NBI) filed complaints against 11 PNP officials, including its drug enforcement chief, for the, kidnapping, and planting of guns and drugs, and murder of six men in an elaborate scheme of framing innocent civilians in a fake anti-drug operation.⁶

During his appearance in the UN Human Rights Council in July, Department of Justice Secretary Menardo Guevarra said that the government has formed an inter-agency body that will investigate all deaths related to the drug war. The panel, which is set to release its report in November, will only re-

¹ Carlos H. Conde, "Killings in the Philippines Up 50 Percent During Pandemic," Human Rights Watch, 8 September 2020, from <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic?fbclid=IwAR1cuji5spLVOrKJs1YF9hNEgwCqgy39gA8QAFRxdBVST2k-bpx4WsUg>, accessed on 24 September 2020.

² Llanesca T. Panti, "Duterte gets 91% approval amid COVID-19 pandemic—Pulse Asia," GMA News Online, 5 October 2020, from <https://www.gmanetwork.com/news/news/nation/758474/duterte-gets-91-approval-amid-covid-19-pandemic-pulse-asia/story/>, accessed on 5 October 2020.

³ Rambo Talabong, "Coronavirus doesn't stop Duterte's anti-drug campaign," Rappler.com, 18 July 2020, from https://www.rappler.com/newsbreak/in-depth/coronavirus-does-not-stop-duterte-anti-drug-campaign?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#Echobox=1597303964, accessed on 18 July 2020.

⁴ Christian Deiparine, "Philippine police figures show grim number of drug war deaths nearing 8,000," Philstar.com, 4 November 2020, from <https://www.philstar.com/headlines/2020/11/04/2054558/philippine-police-figures-show-grim-number-drug-war-deaths-nearing-8000>, accessed on 5 November 2020.

⁵ Aaron Ruencu, "4,591 cops dismissed since 2016, says PNP," Manila Bulletin, 12 October 2020, from <https://mb.com.ph/2020/10/12/4591-cops-dismissed-since-2016-says-pnp1/>, accessed on 13 October 2020.

⁶ Lian Buan, "In Bulacan, police 'kidnap' passerby then kill them in fake 'nanlaban' case – NBI," Rappler.com, 13 August 2020, from https://www.rappler.com/nation/san-jose-del-monte-bulacan-fake-nanlaban-cases?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#Echobox=1597299061, accessed on 13 August 2020.

evaluate the cases even as the PNP will continue to conduct its own investigation.⁷ However, human rights advocates in the Philippines are sceptical of this government move. For example, although an official of the Commission on Human Rights (CHR) welcomed Guevarra's announcement, she also criticised the continued non-cooperation of the PNP in investigating human rights abuses related to the drug war.⁸ As well, some 700 local and international human rights and civil society organisations in September called on the UN Human Rights Council to create an independent international mechanism to investigate alleged extrajudicial killings and human rights violation in the Philippines under the Duterte administration.⁹

Meanwhile, in the aftermath of the signing of the Anti-Terrorism Law (ATA) in July 2020, which is primarily meant to strengthen domestic laws against terrorist threats, local and international human rights advocates questioned the implications of the law for the protection of basic human rights, including freedom of speech and assembly. Some human rights defenders and party-list groups in Philippines raised concerns over the potential for abuse of the ATA by security sector and law enforcement agents in the government's attempt to promote its counter-insurgency agenda. This includes curtailing dissent from legitimate opposition groups and/or tagging them as supporters of the Communist Party of the Philippines/New People's Army (CPP-NPA) armed insurgency against the state. To date, there are 37 petitions against the ATA in the Supreme Court, which question its constitutionality and certain provisions that violate basic human rights, rule of law, and lack of accountability. The Department of Justice released the Implementing Rules and Regulations of the ATA in mid-October, which has also been criticised by some legislators, journalists, and human rights advocates as "fatally flawed."¹⁰

Recommendations:

The Philippines government should:

1. 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 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.

The UN Human Rights Council should:

Seriously consider calls made by local and international human rights advocates for the creation of an independent investigation mechanism to probe the killings related to the government's anti-drug war, which has increased over the last two months amidst strict measures to contain the pandemic.

⁷ CNN Philippines Staff, "Palace to UN human rights council: New panel to assure fair probe of drug war-linked deaths," CNN Philippines online, 1 July 2020, from <https://www.cnnphilippines.com/news/2020/7/1/Palace-UN-Human-Rights-council-inter-agency-panel-probe.html>, accessed on 1 July 2020.

⁸ Llanesca T. Panti, "CHR exec blasts PNP over 'non-cooperation' on drug war probe," GMA News Online, 1 July 2020, from <https://www.gmanetwork.com/news/news/nation/744993/exec-blasts-pnp-over-non-cooperation-on-drug-war-probe/story/>, accessed on 1 July 2020.

⁹ Raymund Antonio, "UNHRC urged to probe EJK, rights violations in PH," Manila Bulletin, 14 September 2020, from <https://mb.com.ph/2020/09/14/unhrc-urged-to-probe-ejk-rights-violations-in-ph/>, accessed on 15 October 2020.

¹⁰ Mike Navallo, "SC petitioners hit 'fatally flawed' IRR of anti-terror law in pushing for TRO," ABS-CBN News online, 29 October 2020, from <https://news.abs-cbn.com/news/10/29/20/sc-petitioners-hit-fatally-flawed-irr-of-anti-terror-law-in-pushing-for-tro>, accessed on 5 November 2020.