

ASIA PACIFIC CENTRE - RESPONSIBILITY TO PROTECT

ATROCITY CRIMES RISK ASSESSMENT SERIES

THE PHILIPPINES

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**THE UNIVERSITY
OF QUEENSLAND**
A U S T R A L I A

PHILIPPINES

- ⊛ National capital
- ⊙ Regional center
- Town
- ✈ Major airport
- International boundary
- Main road
- - - Railroad



PACIFIC OCEAN



Philippine Sea

South China Sea

Mindoro

Luzon

Luzon

Masbate

Samar

Visayas

Leyte

Panay

Palawan

Negros

Mindanao

Mindanao

Celebes Sea

0 50 100 150 200 km
0 25 50 75 100 mi

MALAYSIA

Kota Kinabalu

Sandakan

Jolo

Zamboanga

Moro Gulf

Pagadian

Dipolog

Bohol

Bohol Sea

Tagbilaran

Cebu

Dumaguete

San Jose

Iloilo

Calamba

Calapan

San Jose

Boac

Legazpi

Daet

Quezon City

Manila

San Fernando

Baguio

Tuguegarao

Tabuk

Cabagan

Iligan

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INTRODUCTION

Introduction

The Philippines has a history of unresolved conflicts and deep political tensions stemming from the inability of the state to provide secure governance and human security. Despite being Southeast Asia's oldest democracy, weak institutions and difficulty upholding rule of law continue to allow non-state actors such as combatants from communist and Moro rebel groups, ISIS-affiliated militants, and political clans who rule with impunity to enact atrocities against civilians. In more recent years, the administration of President Rodrigo Duterte has undergone an extensive series of extrajudicial killings as part of the 'war on drugs' that underscored Duterte's campaign.

The approaching 2022 presidential elections provide a rare opportunity for stark political pivots in order to mitigate the ongoing risks for atrocity crimes that this environment enables. The incumbent Philippine government must address the root causes of political violence across the country, particularly in the Southern region of Mindanao. Specifically, it should seriously commit to providing better access to basic services and justice, as well as in improving the capability of local government units to effectively implement poverty alleviation programs. As well, the government should strictly enforce existing laws against proliferation of small arms and illicit gun trade, drug trafficking, and other forms of shadow economies that contribute to the perpetuation of warlord politics and political violence.

Using the UN Framework of Analysis for Atrocity Crimes: A Tool for Prevention, this report identifies the common risk factors that are relevant to the Philippines, as well as some triggering factors that increase the risks for atrocities. After identifying the common risk factors, a set of recommendations are presented regarding policies and actions that may be taken by stakeholders in the Philippines and the international community to mitigate these risks and cease current violations.

FRAMEWORK OF ANALYSIS

Framework of Analysis

In 2009, the then-Office of the Special Adviser on the Prevention of Genocide developed a framework of analysis to assess risk of atrocity crimes. The Framework encapsulates two analytical tools to assess the risk of atrocity crimes: a list of fourteen Risk Factors for atrocity crimes, and indicators for each of the risk factors. Risk Factors are conditions that increase the risk of or susceptibility to negative outcomes and an increased likelihood that atrocity crimes will be committed. Some Risk Factors refer to states and their structures, while others pertain to triggering events or circumstances. The Common Risk Factors assist in identifying a situation of general concern and the Specific Risk Factors are categorised based on atrocity crimes and their specific indicators. The more Risk Factors and greater number of indicators that are present, the higher the risk of impending atrocity crimes.

COMMON RISK FACTORS		
Risk factor	1	Situations of armed conflict or other forms of instability
Risk factor	2	Record of serious violations of international human rights and humanitarian law
Risk factor	3	Weakness of state structures
Risk factor	4	Motives or incentives
Risk factor	5	Capacity to commit atrocity crimes
Risk factor	6	Absence of mitigating factors
Risk factor	7	Enabling circumstances or precatory action
Risk factor	8	Triggering factors

SPECIFIC RISK FACTORS		
<i>Genocide</i>		
Risk factor	9	Intergroup tensions or patterns of discrimination against protected groups
Risk factor	10	Signs of an intent to destroy in whole or in part a protected group
<i>Crimes against humanity</i>		
Risk factor	11	Signs of a widespread or systematic attack against any civilian population
Risk factor	12	Signs of a plan or policy to attack any civilian population
<i>War crimes</i>		
Risk factor	13	Serious threats to those protected under international humanitarian law
Risk factor	14	Serious threats to humanitarian or peacekeeping operations

There are four prominent common risk factors for atrocities in the Philippines. These are multiple situations of armed conflicts and other forms of instability; record of serious violations of international human rights and humanitarian law; weaknesses in state structures and triggering factors. At this stage, no specific risk factors were identified.

Each of these Risk Factors are accompanied by 6-18 more specific Indicators, which can be used to more precisely identify and analyse the risks of atrocity crimes. These Indicators and further information on the full UN Framework of Analysis for Atrocity Crimes can be found by clicking here or by visiting the UN website at www.un.org.

COMMON RISK FACTORS

RISK FACTOR 1: SITUATIONS OF ARMED CONFLICT OR OTHER FORMS OF INSTABILITY

1. Situations of armed conflict or other forms of instability

Risk Factor 1 refers to situations that place a State under stress and generate an environment conducive to atrocity crimes. Currently, there are five notable indicators.

Indicators	
1.1	International or non-international armed conflict.
1.2	Security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighbouring countries, threats of external interventions or acts of terrorism.
1.3	Humanitarian crisis or emergency, including those caused by natural disasters or epidemics.
1.4	Political instability caused by abrupt or irregular regime change or transfer of power.
1.5	Political instability caused by disputes over power or growing nationalist, armed or radical opposition movements.
1.6	Political tension caused by autocratic regimes or severe political repression.
1.7	Economic instability caused by scarcity of resources or disputes over their use or exploitation.
1.8	Economic instability caused by severe crisis in the national economy.
1.9	Economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities.
	Social instability caused by resistance to or mass protests against State authority or policies.
	Social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms.

Since its independence in 1946, political stability in the Philippines has been threatened by internal armed conflicts. Specifically, the communist insurgency and Muslim separatist rebellion continue to engender violence resulting in serious violations of human rights, humanitarian crises, as well as deaths and destruction of livelihood and properties. Armed conflicts in the Philippines thrive especially in the poorest provinces of the Philippines (many of which are in Mindanao) where there is almost negligible government presence and access to basic services like education, health, and justice are severely lacking. Civilians, in particular indigenous peoples in resource-rich conflict areas in Mindanao, are often caught in the crossfire between communist rebels and government military forces. These on-going conflicts and their complex foundations manifest in a security crisis that is yet to stabilise.

Communist Insurgency

The communist insurgency in the country is the longest in the region, with several attempts by all government administrations to end it through political negotiations with the Communist Party of the Philippines (CPP) failing so far. The CPP-led communist rebellion in the Philippines grew significantly during the martial law administration of President Ferdinand Marcos (1972-1986), as the government pursued a military approach in ending the insurgency. Systematic and widespread human rights violations were committed by security forces as the administration curtailed press freedom and judicial independence was rapidly decaying. Marcos ruled by executive decree and even though he restored an interim unitary parliament in 1978, the latter was comprised overwhelmingly by loyalist members from his own political party.

Following the civilian-backed military revolt (led by then Armed Forces of the Philippines (AFP) Deputy Chief of Staff Fidel Ramos and Defence Minister Juan Ponce Enrile) that ousted President Marcos in 1986, the threat posed by armed communist rebellion decreased significantly as the number of combatants from the New People's Army (NPA) dwindled (from about 15,000 guerrillas in the 1980s to less than 5,000 as of 2017).¹ Under the democratic order of President Corazon Aquino (1986-1992), a new constitution was adopted in 1987, which guaranteed fundamental human rights. Political prisoners, including leaders of the CPP, were released even as press freedom and judicial independence were restored. It was, however, an unstable democratic order as Aquino faced a total of eight failed coup attempts from the restive elements of the Reform AFP Movement (RAM) that ousted Marcos. Specifically, the group resented the release of top CPP leaders, including its head, Jose Maria Sison (who is still currently in exile in The Netherlands), as well as Aquino's soft policy towards the communist rebels.

Succeeding administrations of Fidel V. Ramos (1992-1998), Joseph Estrada (1998-2001), Gloria Macapagal-Arroyo (2001-2010), Benigno S. Aquino III (2010-2016), and currently under President Duterte attempted to revive peace talks with the CPP-NPA in an effort to end the communist insurgency. Thus far, however, these have all failed to re-

solve the armed conflict with the communist movement as its leaders insisted on certain terms and conditions such as general amnesty for all combatants, supporters, and sympathisers, which were unacceptable to the government. As well, it was apparent that the Utrecht-based leaders negotiating with the government have been out of touch with its forces on the ground who--while peace talks were ongoing--continued to stage attacks against AFP troops and bases, harass business establishments like telecommunications and mining companies, as well as engage in extortion activities in areas they control like imposing revolutionary taxes on local businesses and candidates during elections. President Duterte, for example, cancelled peace talks with the communist party in the first quarter of 2017 following several attacks against military forces by NPA rebels, which included the brutal killing of three off-duty soldiers whose bodies were riddled with 76 bullets apparently shot in close range.² In June 2018, Duterte also called off backchannel talks with Utrecht-based leaders of the CPP and instead pushed for local peace talks with the rebels.³ These talks have not resulted in any sustained progress, and the cycle between negotiations and violence continues. In May of 2021, a frustrated Duterte directed military and police forces to “finish off” all communist rebels, prompting fear of bloodshed. “I’ve told the military and the police, that if they find themselves in an armed encounter with the communist rebels, kill them, make sure you really kill them, and finish them off if they are alive.”⁴ This rhetoric along with political opposition of the rebels to the Duterte administration stoke an environment of ongoing violence, as the rebels continue to engage in conflict with an increasingly emboldened military opposition.

Muslim Rebellion

The Muslim separatist rebellion in Mindanao has persisted since the 1970s despite the peace agreements signed between the government and the Moro National Liberation Front (MNLF) in 1996 and more recently with the Moro Islamic Liberation Front (MILF) in 2014. It is estimated that some 120,000 people have been killed in the Muslim armed conflict in the Philippines.

When President Duterte signed the Bangsamoro Organic Law (BOL) in July 2018, it was met with wide support among the large Muslim community in Mindanao. MILF peace negotiator and implementing panel head Mohagher Iqbal said that the BOL is only 85 percent compliant with the comprehensive peace agreement signed in 2014 between the government and the MILF as it did not include provisions on exclusive and concurrent powers that the transition commission submitted to the executive branch.⁵ Another leader of the MILF asserted that what was enacted by the Philippine Congress was not what the group wanted but it was “forced to accept it as a ‘win-win’ solution.”⁶

While the BOL was ratified by residents of areas covered by the law in early 2019 to come into effect, its constitutionality is still questioned by some local government leaders and stakeholders in Mindanao who have been impacted by the new law. If the Supreme Court of the Philippines declares it unconstitutional, just like what happened with the Memorandum of Agreement-Ancestral Domain (MOA-AD) signed by the government and the MILF in 2008, it is likely that MILF rebel forces will resort again to violence to denounce such ruling. Thus, the potential for the resumption of hostilities by disaffected factions of the MILF still remains a distinct possibility, which could then increase the risk of violence and atrocities against civilians. It may be recalled that in 2008, after the Supreme Court declared the MOA-AD unconstitutional, some factions of the MILF attacked civilians by burning houses, occupying farmlands, bombings, and resorting to kidnapping. Some 150,000 civilians were displaced in affected provinces particularly in Lanao del Sur and North Cotabato.⁷ In response to the MILF’s threats then, some local government officials led civilians in arming themselves and formed their own militias.⁸

It is significant to note as well that the MNLF and the MILF still have to work out their differences with regard to the BOL’s implementation as the former strongly opposed the passage of a separate Bangsamoro autonomous law. Specifically, MNLF founder Nur Misuari did not want areas covered by ARMM to be under the expanded Bangsamoro Autonomous Region of Muslim Mindanao (BARMM) that will be run by the MILF during the transition period. In fact, in 2013, Misuari petitioned the United Nations to recognise his declaration of a Bangsa Moro Republik (BMR) under the UN General Assembly’s resolution 1514 of 1960. Misuari expressed strong opposition to peace talks between the government and the MILF at the time that would sideline the MNLF’s 1996 peace agreement with the Ramos administration and undermine its position as the sole representative of the Bangsamoro in the Organisation of Islamic Cooperation (OIC).⁹ The declaration of secession by Misuari was followed by a month-long siege of Zamboanga City in September 2013 after some rogue elements of the MNLF held hostage civilians as they attempted to hoist a flag of the BMR in the city hall. The crisis in Zamboanga resulted in over 100,000 displaced civilians apart from a total of 200 casualties involving MNLF rebels, government forces, and civilians. Indeed, the rift between the MNLF and the MILF was one of the contentious issues that made the drafting of the Bangsamoro Basic Law (BBL)

since 2014 quite difficult. However, following the passage of the bicameral version of the BBL in Congress that ultimately resulted in the enactment of the BOL, Misuari announced that he is “freezing” the MNLF’s bid in the UN to secede from the Philippines.¹⁰ President Duterte himself pleaded to Misuari to give peace a chance following the signing of the BOL.¹¹

On top of this, the issue of protecting the rights and interests of Christians and the lumads (indigenous non-Muslim and non-Christian communities) within the territories covered by the BOL need to be addressed as well. Demobilisation, disarmament, and integration of MILF forces into the AFP and/or PNP, as well as transitional justice, are delicate issues that could complicate the process of implementing the BOL. Specifically, the disarmament of MILF guerrillas could pose a big challenge to realising the purposes of the new Bangsamoro law as the government has to provide economic opportunities for the rebel forces. After the signing of the BOL, six of the largest MILF military camps are being converted to productive civilian communities even as the group will immediately decommission 30 percent of its estimated 30,000 armed fighters.¹²

Under the new Bangsamoro law, the expanded BARMM will have: 1) its own parliament, 2) 5 per cent grant of national internal revenue, 3) will be able to keep 75 per cent of its revenue collection in the area, and 4) the right to impose sharia law on Muslim residents. The central government will keep its powers in maintaining security and policing in the BARMM.¹³

Some factions did not find this adequate. Mindanao has had terrorist activity rise as a consequence of the long-drawn process of peace negotiations between the government and the MILF, which for many young rebels indicated the former’s lack of sincerity in implementing various peace agreements, including the Comprehensive Agreement on the Bangsamoro (CAB) signed in 2014.

Public anger towards the MILF following the gruesome murder of 44 Special Action Forces (SAF) who were conducting counter-terrorism operations in 2015 by some MILF rebels in Maguindanao not only undermined the passage of the BBL before the end of Aquino’s term in 2016 but also increased further the frustration and alienation of young Muslim rebels. This led to some of them joining ISIS-affiliated groups like the Maute group and Bangsamoro Islamic Freedom Fighters (BIFF), which altogether have abandoned peace negotiations with the government and are now fighting for separation from the Philippines. Some members of the BIFF have reportedly fought alongside other rebel groups in the 2017 siege of Marawi, which lasted for five months, displaced hundreds of thousands and had over 1000 casualties.¹⁴

The five-month siege of Marawi in May to October 2017 by the Maute group, with the support of other local ISIS-affiliated groups and foreign fighters, demonstrated the formidable power of extremist terrorists in Mindanao to wreak havoc in urban centres, threaten the lives of civilians, and even undermine the ongoing peace process with the MILF. The Marawi crisis left more than 1,100 people dead that includes 919 militants and 165 soldiers and policemen. Security forces rescued some 1,780 civilians held hostage by the militants, including a Catholic priest.¹⁵ Over 77,000 families or more than 350,000 individuals were internally displaced by the conflict, some of whom have started to go back to their villages following the end of military operations against the militants.¹⁶ It is estimated that the damage from the urban warfare in Marawi is about USD 1-2 billion,¹⁷ with the Philippine government allocating about PHP5 billion (USD 97 million) for reconstruction and P10 billion (USD 194 million) rehabilitation of the city.¹⁸

The cost of rehabilitation of Marawi, which was placed in 2018 at over US\$1 billion, could probably increase further once a more comprehensive implementation plan is approved.¹⁹ The urban rehabilitation of the city will be long and contentious even as displaced residents attempt to go back to rebuild their lives. Apart from clearing the area of unexploded ordnance and IEDs, properties destroyed and land claims complicate the rebuilding of Marawi. Most properties did not have formal titles even as a Marcos-era presidential decree declared a large part of Marawi as a military reservation.²⁰ A plan by the national government to construct a four-lane highway in the city and implement urban development projects could result in further displacement of former residents, thereby increasing discontent among the population and serve as fertile ground for recruitment by ISIS-affiliated local extremists.²¹

Thus far, the implementation of the government’s comprehensive rehabilitation and recovery program of Marawi has been delayed following the disqualification of a Chinese-led development consortium in late June. However, the task force overseeing the program remained optimistic that the rehabilitation of Marawi is still on track to be completed in December 2021.²² Even so, Maranao residents in Marawi continue to strongly oppose the government’s China-funded commercial centres and military bases in the city. Some 140,000 Marawi residents continue to be displaced as the government has cordoned off the former war zone due to unexploded bombs and

IEDs.²³ A recent survey of Marawi residents, including those living in IDP camps, showed that only 30 to 50 percent believe that President Duterte is concerned about Muslims, which is significantly lower than the 83 percent average in the provinces of predominantly Muslim provinces of Lanao del Sur and Maguindanao. Those living in camps feel neglected (30 percent), while overall Marawi residents feel that their present quality of life is worse now (56 to 80 percent).²⁴ In June of 2019, almost 100,000 residents of Marawi remained displaced – almost half the population of the city.²⁵ However, the military reports the remaining number of militants in the region “is down to 25,” from the hundreds involved in the initial siege.²⁶

Meanwhile, the threat of another terrorist attack in Mindanao remains high. In the first quarter of 2018, the AFP conducted ground and air attacks against ISIS-affiliated BIFF in Mindanao, which resulted in more than 50 militants and 1 soldier killed, and some 2,500 civilians fleeing their villages.²⁷ Increased clashes between the military and militants indicate that local ISIS-affiliates in Mindanao have regrouped following the end of the siege of Marawi in October last year and are expected to recruit more followers especially amongst residents of Marawi and nearby provinces.²⁸ Civilians in Mindanao are also at risk in areas affected by ongoing counter-terrorist operations by the military against the BIFF, which in July of 2018 foiled an attempt by the latter to occupy a town hall in Maguindanao.²⁹ Prior to this, some 20,000 civilians were forced to flee their villages in Maguindanao and North Cotabato as the AFP troops conducted air strikes and ground operations against the BIFF forces in effort to destroy the militants’ explosives factory in southern Liguasan.³⁰ In January of 2019, ISIS-aligned group Abu Sayyaf bombed a church in Mindanao, alongside at least 24 military and terrorist clashes.³¹ Particularly in the decimated region of Marawi, fears of violence persist.

Political Violence

The risk of atrocities in the Philippines also stems from the proliferation of illegal arms and light weapons which are often used by private armies of politicians in the country. One media report estimated for example that in Maguindanao, there are between 30,000 to 40,000 loose firearms and only a third of these are weapons used by Moro rebels and the rest are in the hands of various warlords in Maguindanao.³² Election-related violence for example are perpetrated by some political clans and their supporters, especially in hotspots where political dynasties have ruled for a long time and are unwilling to give up power in a free and fair elections. In the last general elections in 2016, the PNP reported that there were at least 76 private armed groups in the Philippines that were being monitored by security forces for possible election-related violence. This was lower than the 81 and 107 private armies that were being monitored in the 2013 and 2010 elections, respectively.³³ One in 10 private armed groups in the Philippines or 80 percent are reportedly operating in two volatile areas in the country: in the ARMM and Central Mindanao.³⁴ In the May 2016 elections, the PNP reported that 10 people were killed across the Philippines as gunmen attacked polling stations, stole vote-counting machines, and ambushed vehicles.³⁵

In 2009, the worst election-related violence took place in Maguindanao with the massacre of 57 people including 37 journalists when members of the ruling Ampatuan clan and its private army staged an ambush against its rival Mangundadatu clan and its supporters. There were close to 200 suspects involved in the crime and more than 150 people were criminally charged for the massacre. Some 347 militiamen were disarmed by the military following the declaration of a state of emergency in Maguindanao by the government.³⁶ (Thereafter, then President Gloria Macapagal-Arroyo signed the country’s first domestic law against genocide and crimes against humanity in the aftermath of the massacre.) A special court was set up in Quezon City for the trial of multiple murder cases against the Ampatuan clan members. More than eight years since the incident, the court has yet to convict any of the Ampatuan prime suspects. In its first ruling on the case in 2017, three suspects were acquitted by the court for lack of evidence.³⁷ A number of witnesses against the Ampatuans have been killed or have disappeared, with some surviving family members of the victims also fearing for their lives.³⁸ More recently, the Court of Appeals denied the motion for reconsideration by the Department of Justice to allow three suspects to turn state witness, which upheld the decision of the presiding judge over the case.³⁹ It is likely that criminal case against the Ampatuans and other suspects will drag on given that some of the critical witnesses have been eliminated or have disappeared.

The atrocities committed by the Ampatuans in Maguindanao have serious implications for security sector governance in the Philippines, particularly in conflict areas of Mindanao. For example, it has been argued that political clans have used the armed rebellion against the state as a primary excuse for maintaining their own private armies or the use of auxiliary forces by local government officials. In 2006, for example, President Arroyo issued Executive Order 546 that allowed local officials and the PNP to deputise village watchers or auxiliary police as “force multipliers” in counter-insurgency war, which effectively enhanced the use of force by local authorities.⁴⁰ In fact, Arroyo’s

executive order benefitted immensely the Ampatuan clan due to her administration's "well known deliberate cultivation and patronage" of the political warlord dynasty in order for the national government to have "political control of the Maguindanao province," which is also the main provincial and ethnic base of the MILF.⁴¹ With its immense political control of Maguindanao, the Ampatuans became an indispensable ally of the ruling administration especially during elections, even as the police and military forces deployed in the ARMM were beholden to the clan.⁴² A cache of high powered weapons and ammunitions were discovered in the property of Governor Ampatuan a week after the massacre, which were likely purchased with government funds and may have been with the knowledge of the national government. While the Arroyo administration together with the PNP and the military may have thought that the Ampatuan clan was a useful "card" in the peace negotiations vis-à-vis the MILF and thus tolerated its impunity, they also underestimated its political will and capacity to commit atrocity crimes against its rivals that ultimately resulted in the death of 57 civilians.

Overall, the massacre in Maguindanao demonstrates that security sector governance in the Philippines suffer from certain deficits, specifically the absence of accountability and rule of law at the local level. Indeed, as some Filipino security experts on Mindanao have pointed out, the grant of autonomy to the ARMM without the corresponding improvement in the lives of people only increased clan wars as strongmen and warlords gained more coercive powers.⁴³ They also abused their authority through extensive use of military and auxiliary forces, acted with impunity, and committed human rights abuses, which altogether contribute to election-related violence. Thus, sowing fear among their constituents in the absence of accountability engenders the "rule of 'un-law'."⁴⁴ Indeed, the massacre of civilians in Maguindanao by a warlord clan is another manifestation of the failure of various civilian oversight bodies in the Philippines to perform their functions, particularly in holding accountable members of the security sector.⁴⁵

It is against the foregoing backdrop that the risk of atrocities remains high in the Philippines. In the run-up to the 2019 mid-term elections for local and national government posts, the level of political violence in the Philippines increased. Between 19 February and 11 July 2018, six local government officials have already were in different parts of the country.⁴⁶ One of these officials was a defence lawyer of a suspected drug lord and another one is included in the government's narco list of politicians allegedly involved in drug trade. In the village-level election held in May 2018, 33 people were killed and 19 others wounded.⁴⁷ Elected village heads play a crucial role in local and national elections in 2019 as they act as grassroots organisers for political parties.

Accordingly, the risk of election related violence in Mindanao is likely to increase prior to the 2022 national and local elections. In the last village-level elections in May, the Commission on Elections (COMELEC) designated 295 villages as areas of concern in northern Mindanao where intense political rivalries and private armies exist.⁴⁸ In eastern Mindanao, some 8,500 military forces were deployed to ensure peaceful and orderly conduct of elections.⁴⁹ As of 2021, Rappler reports at least 421 activists, human rights defenders, and grassroots activists; twenty-two journalists and media workers; sixty-five judicial workers; and twenty-seven mayors and vice-majors have been killed under Duterte's administration.⁵⁰

Rido or Clan Conflicts

The risk of atrocities in the Philippines also stems from clan feuding or conflict, also known as rido, among some kinship groups and communities in Mindanao. Rido refers to "a state of recurring hostilities between families and kinship groups characterised by a series of retaliatory acts of violence carried out to avenge a perceived affront or injustice."⁵¹ Studies on rido have documented a total of 1,250 cases of clan conflict that occurred in Mindanao between the 1930s and 2005 in which over 5,500 people have been killed and displaced thousands. Of these documented cases, over 60 percent have not been unresolved, while the top four provinces in Mindanao—Lanao del Sur, Maguindanao, Lanao del Norte, and Sulu—recorded the highest number of incidents of rido.⁵² Between the 1980s and 2004, steady rise in rido conflicts in 11 provinces in Mindanao were recorded, with over 50 percent of incidents or 637 cases happening between 2000-2004.⁵³

Rido conflicts can exacerbate other existing conflicts in Mindanao, such as separatist and extremist or terrorist armed violence. Accordingly, some of the armed confrontations between insurgent groups and the military, for example, were triggered by local clan conflicts. At times, the interconnectedness of clan feuds and large-scale conflicts sparked hostilities between paramilitary forces and the MILF, such as the Sharif Aguak incident in 2006, for example.⁵⁴ To some extent, these overlapping conflicts have frustrated the peace process between the government and the MILF especially if they cause some misunderstanding among combatants. Apart from causing much suf-

fering for affected civilians, armed confrontations triggered by rido have led to destruction of properties, displaced communities, and had negative impact on local economies.⁵⁵

Among the triggers of rido are: petty offences (e.g., theft), crimes such as homicide, land disputes, and political rivalries⁵⁶ (e.g., Maguindanao massacre in 2009). These triggers may be aggravated by formation of alliances between clans and armed groups, or interaction between state-level conflicts (e.g., Moro rebel forces and the government) and other armed conflicts (e.g., banditry). Contributing factors to rido violence include the proliferation of illegal arms and weapons, inadequate presence of law enforcers and peace mediators, as well as inefficient justice system.⁵⁷ In some cases, violent conflicts among families belonging to different communities (e.g., Menvu and Maguindanao) have been affected by war in Mindanao since the 1970s that it also disrupted harmony between these communities. This is also exacerbated by incursions by illegal loggers, political and business interests, and paramilitary forces that displace and marginalise them thereby deepening the lack of trust among these communities.⁵⁸ Table 1 below shows the number of incidents of rido in 2012, with a breakdown of the common causes of clan conflicts.

Table 1: Causes of Rido (Clan Conflicts)

Common causes	Frequency	Percent (%)
Land dispute	373	25.37
Election-related	266	18.10
Crime against women/gender-related offenses	181	12.31
Drug related	30	2.40
Accidents	24	1.63
Cattle rustling	22	1.50
Marriage/elopement	20	1.36
Grudge	19	1.29
Accusation	18	1.22
Grave threat	18	1.22
Competition over resources	14	0.95
Debt	12	0.82
Business	11	0.75
Misconduct	10	0.68
Gambling	9	0.61
Family feud	8	0.54
Kidnap for ransom	8	0.54
Ambush	5	0.34
Carnapping	2	0.14
Extortion	2	0.14

(Source: Preventing Rido: A Practical Guide for the Police and Other Community Peacekeepers, 2013, pp. 8-9)

Warlordism and Shadow Economy

The risk of atrocities remains very high in the southern part of the Philippines mainly because of the relationship between warlord politics and the proliferation of informal or shadow economies, which underpins violent conflict in Mindanao. In a comprehensive edited volume titled *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao* published in 2013, contributing authors identified several shadow economies that continue to exacerbate violence in many conflict areas in the south. This includes illicit weapons trade, drug trafficking, kidnap for ransom, informal land markets, illegal cross-border trade, and informal credit systems. Specifically, the origins of Mindanao's shadow economy goes back to "the political settlement between US colonisers and the Moro aristocracy that involved an end to armed resistance in exchange for continuation of Mindanao's unregulated cross-border trade."⁵⁹

Among other things, the informal economy: 1) is "intertwined with the dynamics of clans and kinship networks that revolved around local strongmen"; 2) revenues from the shadow economy "enabled powerful clans and local rulers to exercise power and consolidate their position in Moro society and sustain the economic foundations of their po-

litical authority”; and 3) the shadow economies offered strongmen a “higher level of autonomy in an increasingly cramped political landscape.”⁶⁰ Accordingly, in the context of Mindanao, the weakness of the state is exploited by local warlords to “establish private control over economic resources and wealth accumulation mechanisms” through “trade, clandestine transactions, natural resource exploitation.”⁶¹ Compared to patronage politics, warlord politics uses violence “to neutralise rivals and to control accumulation” and, in alternative effort to build political authority, “relies on patronage, violence, and shadow economy.”⁶²

Some of the major findings of the volume’s case studies on illicit gun trade, drugs, and kidnap for ransom were as follows:

1. Illicit gun trade proliferates in the Philippines largely because of institutional flaws and regulatory weaknesses of the state, which include: a) amnesty programs and inadequate monitoring of private security agencies; and b) absence of laws that provide adequate oversight and controls over importation and distribution of weapons. From a political economy perspective, the failure to curb illicit gun trade is due to economic benefits derived by state actors from a shadow economy that underpins the policy of sub-contracting the means of coercion to local elites in conflict-affected areas such as in Muslim Mindanao, as exemplified by the 2009 massacre led by the Ampatuan clan in Maguindanao.⁶³
2. The entrenchment of the drug economy in Muslim Mindanao has been facilitated by several factors such as the weak institutional capacity of the local government, corruption, and the lack of resources to address the drug problem. Arguably, the presence of armed groups in Mindanao not only contribute to instability in the region but also contribute indirectly to sustaining an enabling environment for drug-related activities. While there is no clear evidence that illicit drug trade functions as a war economy, it nevertheless serves two auxiliary functions: first, it provides impoverished individuals a secure income; and second, it propels the criminalised agenda of political entrepreneurs in some areas of ARMM, specifically through targeted corruption.⁶⁴
3. Kidnap for ransom (KFR) incidents thrive in central and western Mindanao due to the embedded nature of KFR groups and their activities within the local communities, their interdependence with other powerful state and non-state actors and criminal groups, and the favourable economic returns of such criminal activities that are shared with local communities. KFR incidents tend to increase at various conjunctures when political contestation, clan violence, and armed conflicts erupt. More specifically, these groups stage kidnappings before or after elections; soon after local or national regime change; during military offensives and counter-offensives when rebel and government forces get tied down in a protracted battle; and when armed groups are idle and without any mission to undertake, such during peace negotiations when ceasefires are being observed. Given the absence of the state in large parts of Mindanao, KFR groups thrive because they provide public services such as justice and security, which earn for them some degree of de facto legitimacy. As well, given the proliferation of firearms and the persistence of armed groups in these remote areas, these criminal entrepreneurs are able to attract idle, poor, and unemployed young men with lucrative targets.⁶⁵

Overall, based on these case studies, the editors concluded that resilience of shadow economies in Mindanao is due to the failure of the central government to put them under effective state regulation and control. There are a number of political and economic explanations, such as: 1) the informal economy provides critical employment and livelihood opportunities for marginalised and people in poor communities; 2) the central government has for decades been unable to consolidate its sub-national state building in Mindanao; 3) shadow economies strengthens the power and authority of warlords, political clans, and local elites, as well as legitimises rule in the areas they control; and 4) the mutual benefits that national, regional, and local elites derive from the underlying arrangements, particularly in the strategic role played by warlords and clans in sustaining the state’s administrative reach and politico-military control of Mindanao.⁶⁶

These ongoing internal conflicts have deeply destabilising impact in relation to indicators 1.1 - international or non-international armed conflict; 1.2 - security crisis caused by, among other factors, defection from peace agreements, armed conflict in neighbouring countries, threats of external interventions or acts of terrorism; 1.6 - political tension caused by autocratic regimes or severe political repression; 1.9 - economic instability caused by acute poverty, mass unemployment or deep horizontal inequalities; and 1.11 - social instability caused by exclusion or tensions based on identity issues, their perception or extremist forms. It is the prolonged instances of these that indicate risk of atrocity crimes under Risk Factor 1.

2. **Record of serious violations of international human rights and humanitarian law**

This risk factor refers to past or current serious violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct, and including those amounting to atrocity crimes, that have not been prevented, punished or adequately addressed and, as a result, create a risk of further violations.

Indicators	
2.1	Past or present serious restrictions to or violations of international human rights and humanitarian law, particularly if assuming an early pattern of conduct and if targeting protected groups, populations or individuals.
2.2	Past acts of genocide, crimes against humanity, war crimes or their incitement.
2.3	Policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement.
2.4	Inaction, reluctance or refusal to use all possible means to stop planned, predictable or ongoing serious violations of international human rights and humanitarian law or likely atrocity crimes, or their incitement.
2.5	Continuation of support to groups accused of involvement in serious violations of international human rights and humanitarian law, including atrocity crimes, or failure to condemn their actions.
2.6	Justification, biased accounts or denial of serious violations of international human rights and humanitarian law or atrocity crimes.
2.7	Politicization or absence of reconciliation or transitional justice processes following conflict.
2.8	Widespread mistrust in State institutions or among different groups as a result of impunity.

Despite its restored democratic order following the ousting of autocrat President Marcos in 1986, serious human rights violations continue in the Philippines, which are primarily committed by state forces and law enforcement agents. Whereas human rights violations under Marcos' martial law regime resulted in over 3,000 people killed or disappeared, in addition to some 35,000 who were tortured and over 70,000 arrested by the military over a ten year period (1975-1985),⁶⁷ arrests and extrajudicial killings also continued under President Corazon Aquino and succeeding administrations.⁶⁸ The Philippine government recently completed its compensation of human rights victims of abuses under Marcos' martial rule, with only 31,000 recognised claims out of 75,000 filed claims. Although serious violations of human rights under President Benigno Aquino III (2010-2016) declined, his administration failed to deliver on its promise in improving human rights in the country.⁶⁹ Specifically, there had been "little accountability for the killings of indigenous leaders, activists, and journalists, and other serious abuses during his administration."⁷⁰ Under Aquino's watch, the PNP also continued to use torture despite the Philippines being signatory to a number of international treaties prohibiting it.⁷¹ Under Duterte, human rights abuses continue in the form of extrajudicial arrests and killings.

Anti-Drug War Under Duterte

President Duterte's bloody anti-drug war has been condemned by human rights advocates at home and abroad for violating international human rights law. On the eve of his 2016 election, Duterte addressed a crowd of supporters, vowing "if I make it to the presidential palace, I will do just what I did as mayor. You drug pushers, holdup men, and do-nothings, you better get out because I'll kill you".¹ Coming good on his promise, human rights bodies estimate up to 27,000 people were killed in relation to drug use during the first two years of Duterte's presidency.⁷² These ongoing killings are usually by unmarked assailants who are generally understood to be either plain clothed police or military forces, or during police arrests that turn violent.³ There is no meaningful investigation or prosecution for these killings.⁴ While there are debates on the precise number of killings allegedly committed by police forces, the death rate has significantly decreased since the beginning of 2018 after the civilian-led Philippine Drug Enforcement Agency (PDEA) took over the anti-drug war operations from the Philippine National Police (PNP). Following many international critiques, the PNP adopted new rules of engagement in January 2018, which saw supplemental guidelines issued that underscored the importance of adhering to the rule of law and respect for human rights, as well as ensuring that local anti-drug units involve only vetted cops who passed stringent screening and strict background check.⁷³

However, the PNP reported that the total number of deaths in Duterte's anti-drug war from 1 July 2016 to 30 June 2018 was 4,354.⁷⁴ This figure was immediately disputed by human rights defenders and civil society groups who place the figure at close to 20,000. The discrepancies between the official figures provided by the PNP and other

sources may be attributed to the number of deaths still under investigation, which as of April 2018 was at about 16,000. Of this figure, the PNP claimed that it has resolved 8,700 cases and asserted that not all of them were related to anti-drug operations.⁷⁵ By contrast, an investigation by Human Rights Watch found 27,000 deaths over this same period.⁷⁶

Eyewitnesses to these deaths report plain-clothed armed assailants working in groups of up to a dozen. Their faces are typically covered by balaclavas or helmets and would not provide warrants or identify themselves.⁷⁷ The accused may be immediately shot and abandoned or taken away and their body found later – sometimes with their hands tied, heads covered, and signs proclaiming “I am a drug pusher. Do not be like me.”⁷⁸ Some human rights bodies report that guns, ammunition, and drugs are routinely planted on victims’ bodies.⁷⁹ Following incidents such as these, uniformed Philippine National Police officers (PNP) usually arrive within minutes to secure the perimeter. Often PNP visits will predicate these deaths by a few days, where the accused are informed of their watch list status and urged to surrender to authorities.⁸⁰ PNP reports state that these visits are commonly met with violent responses and they are forced to shoot in self-defence, but eyewitness accounts often contest that a struggle occurred.⁸¹ After the shooting of a teenager in Manila, PNP showed the young man’s family photos of his body with a gun in his hand, indicating the apparent fight. The family protested his ability to purchase a gun; “he cannot even pay the rent,” reported a relative. “His sister paid the rent for him.”⁸²

Extensive reviews into the ‘war on drugs’ in the Philippines have found that many of the deaths come about through extrajudicial killings, in violation of the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UNDHR).⁸³ The preliminary target of these killings are users and distributors of methamphetamine hydrochloride, known locally as shabu. Shabu is the most commonly used narcotic in the Philippines and predominantly appears in low-income communities, meriting it the moniker “poor man’s cocaine.”⁸⁴ The Philippines Dangerous Drugs Board estimate the nation has 1.76 million drug users (with a majority of 93.72% being shabu users) out of a population that exceeds 100 million – just under 2%.⁸⁵ The targeting of this relatively small number of shabu users over other narcotics is defended by Duterte: “cocaine and heroin are not as destructive as shabu because they are manufactured out of the derivatives of a poppy, they are planted like marijuana. So it is not as destructive to the mind as [shabu], which is ... a deadly mix of chemicals.”⁸⁶ The users are commonly painted as destructive, with no moral fibre or mental capacity. Highlighting this in his response to allegations from human rights bodies about extrajudicial killings of drug users, Duterte asked, “I’d like to be frank with you, are they [drug users] humans? What is your definition of a human being?”⁸⁷

The internal body to investigate alleged human rights abuses, the Philippine Commission on Human Rights, raised concerns about the methodology of the war on drugs and opened an investigation in 2018. This came to an abrupt discontinuation when the Chair of this Commission and enduring Duterte critic, Senator Leila de Lima, was arrested for purported drug trafficking.⁸⁸ These charges were widely understood as baseless and following the Commission’s activities dwindling Duterte has publicly claimed personal responsibility for any drug related deaths, reporting he directed police to shoot to kill and encouraged civilians to do the same.⁸⁹ The internal body to investigate alleged human rights abuses, the Philippine Commission on Human Rights, raised concerns about the methodology of the war on drugs and opened an investigation in 2018. This came to an abrupt discontinuation when the Chair of this Commission and enduring Duterte critic, Senator Leila de Lima, was arrested for purported drug trafficking.⁹⁰ These charges were widely understood as baseless and following the Commission’s activities dwindling Duterte has publicly claimed personal responsibility for any drug related deaths, reporting he directed police to shoot to kill and encouraged civilians to do the same.⁹¹

Meanwhile, human rights advocates continue to call on the Philippine government to address the big disparity in the number of drug-related deaths as reported by the PNP, on the one hand, and those reported by media, human rights groups, and church organisations in the country. They continue to denounce the alleged EJKs in the country in connection with the anti-drug war. Even some allies of President Duterte in the Senate expressed dismay over the downgrading of criminal charges from murder to homicide against police officers who killed a suspected drug lord who was already in jail. Impunity and corruption within the PNP have also undermined the integrity of anti-drug operations. For instance, an investigative report conducted by Reuters said that some policemen use hospitals to send corpses of drug suspects who were killed in order to destroy evidence in crime scenes.⁹²

For its part, the Philippine Supreme Court in April 2018 unanimously passed a resolution against the Duterte administration’s motion for reconsideration of the court’s decision to take judicial notice of the alleged EJKs in connection with its anti-drug war. Specifically, the high court compelled the government to provide a full documentation

of its drug-related police operations, which led to a high number of killings. The court's resolution noted that "[t]he government's inclusion of these deaths among its other accomplishments may lead to the inference that these are state-sponsored killings."⁹³ In February 2017, the Supreme Court also issued two separate writs of amparo or temporary protection orders against anti-narcotics police officials to protect surviving family members of suspected drug dealers or users who were killed in police operations. The protection orders bar policemen from entering the residence and work places of petitioners within a one-kilometre radius.⁹⁴ The second temporary protection order issued by the highest court included the secretary of local government, the chief of the PNP, as well as other police officials. Although President Duterte was included in the second petition, the Supreme Court excluded him in the order.⁹⁵ The grant of temporary protection applies only to certain local communities where petitioners live or work and does not cover the entire national police anti-drug operations. It is likely that the Supreme Court will grant similar petitions for protection against policemen. This court's protection orders augurs well in mitigating the risk of atrocities related to the government's anti-drug war, especially in the context of protecting vulnerable populations in poor areas where most of the EJKs or vigilante killings have taken place. Human rights defenders, such as the Centre for International Law, provided legal assistance to petitioners from poor communities for protection.⁹⁶

President Duterte, in his state of the nation address at the opening of Congress in July 2018, reiterated his government's resolve to continue with the campaign. In his speech, he stated that the illegal drugs war "will be as relentless and chilling," even as he criticised human rights advocates for failing to condemn "drug-lordism, drug dealing, and drug pushing." He also stated that while critics of his administration were concerned about human rights, he was concerned about human lives, particularly the lives of "the youth who are being wasted and families being destroyed" all because of illegal drugs.⁹⁷ For his part, Foreign Affairs Secretary Cayetano during the universal periodic review of the Philippines in the UN Human Rights Council in May 2017 pointed out that the Philippine government will welcome any special rapporteur on EJKs to investigate the drug-related killings in the country provided that they are not biased or unfair as the current rapporteur Agnes Callamard.⁹⁸

In response to UN critiques about the killings, Duterte hosted a press conference where he reiterated his understandings of responsibility:

"Extrajudicial killing? I will do the explanation in public for international release if you want. For the things that really happened during the criminals and the police in operations... I am willing to answer all of them. I assume full responsibility for what happened because I was the one who ordered it. Now, my instructions at the very first day of my term was that: Go out and hunt for these criminals... My job, ladies and gentlemen, and of the United Nations, my job as president is to protect the innocent law-abiding citizens. I was never tasked by any law to protect the life of criminals.... You know, I am forced to [take these actions]. I'm just saying, you forget the law. Forget the United Nations. Forget your outrage. It is misplaced."⁹⁹

Prior to her arrest Senator de Lima acknowledged "we're on a slippery slope toward tyranny... whether it's state-sanctioned or not, I would say at the very least all of these killings are state-inspired."¹⁰⁰

An announcement by the International Criminal Court (ICC) prosecutor's office in February 2018 stated it started preliminary examination of complaints filed against the Philippine government over alleged drug war related EJKs. A month later, however, the Duterte administration announced that the Philippines is withdrawing as state party to the Rome Treaty due to what it considered as "outrageous attacks" by UN officials and violations of due process by the ICC.¹⁰¹ (Despite the government's decision to withdraw from the Rome Treaty, the Philippines has its own domestic law against genocide and crimes against humanity, which was enacted in 2009.) Even so, some human rights groups and legislators in the Philippines denounced Duterte's decision to withdraw from the ICC as an indication that his government was afraid to face criminal investigation by the international court and be held accountable for human rights abuses committed by police forces in connection with his anti-drug war. A minority group of senators have petitioned the Supreme Court to declare Duterte's decision to withdraw from the ICC as unconstitutional as they asserted that it needs the concurrence of the Senate under the 1987 Constitution. The Philippine Coalition for the ICC also questioned the government's decision to withdraw from the Rome Treaty without the concurrence of the Senate. This withdrawal may be understood to demonstrate a disregard for international law, particularly the international humanitarian law for which the Philippines has been called to respond to.

The Duterte administration continued with its lethal war on drugs and refuses to submit to the jurisdiction of the International Criminal Court (ICC) after the Pre-Trial Chamber approved the request of the prosecutor to formally

investigate the killings related to the campaign against drugs. In July 2022, the Philippine Supreme Court released its unanimous decision made in March of this year that contradicted Duterte's assertion and underscored that the ICC has jurisdiction over the Philippines for the period it was a party to the Rome treaty until its withdrawal in March 2019.¹⁰² The high court also said that the Philippines is obliged to cooperate with the ICC's criminal proceedings despite its withdrawal from the treaty.

In his speech at the opening of the UN General Assembly's 76th session, President Duterte promised accountability for the drug war killings in the Philippines as he instructed the Philippine National Police (PNP) and the Department of Justice (DOJ) to review the conduct of the campaign. At the same time, however, he was dismissive of outside intervention in pursuit of accountability for the drug war killings even as he asserted that "meaningful change, to be enduring, must come from within" and that "the imposition of one's will over another—no matter how noble the intent—has never worked in the past...and never will in the future."¹⁰³

Earlier, the chief of the PNP assured the public of transparency in the drug war and that it had opened its files to the DOJ for scrutiny.¹⁰⁴ The assurance came immediately after the ICC Pre-trial Chamber authorised the formal investigation of the drug-war related killings in the country. Following Duterte's speech at the UN, the PNP chief also asserted that the police organisation is taking an active role in the review of drug war documents.¹⁰⁵

On 18 November 2022, the Prosecutor of the International Criminal Court (ICC) suspended the investigation on the Philippine government following the request of the Philippines for deferral amidst ongoing DOJ probe on drug-related killings in the country. Notwithstanding the ongoing investigation, the PNP chief said that it will continue with its anti-drug war until the end of Duterte's term in June 2022 but will be "responsive to the requirement of due process, transparency, and accountability yet with more teeth and efficiency."¹⁰⁶

The Philippines remains at very high risk for atrocities even as the term of President Duterte ends on 30 June 2022. Drug related killings, despite a significant decrease since last year, is continuing and election-related violence is expected to rise in the run up to the 9 May general elections. For the year 2021, a total of 545 drug related killings were monitored by a university-based research organisation,¹⁰⁷ while in the first quarter of 2022 (January to March 2022), 77 drug war killings took place.¹⁰⁸ The primary victims of killings were pushers, high profile targets, and users. The primary perpetrators in 2021 were state agents (396), non-state agents (12), and unidentified (110), and the same trend were monitored for the first quarter of 2022.

Meanwhile, the Philippine Drug Enforcement Agency (PDEA) reported that, as of 28 February 2022, the total number of people killed in relation to the government's drug war has reached 6,235 since President Duterte assumed office on 1 July 2016.¹⁰⁹ It also reported that the total number of suspects arrested in relation to the drug has reached over 331,000 since 2016 out of more than 220,000 operations by the government. Of this figure, more than 14,000 high value targets involving more than 300 foreign nationals, close to 400 government officials, and 126 uniformed personnel.¹¹⁰

For its part, the International Coalition for Human Rights in the Philippines (ICHRP) launched on 31 March a global campaign that seeks to impose sanctions under the Magnitsky Act 12 government officials for violations of human rights in the country. The coalition wants Australia, Canada, the US, the UK, and the European Union for Magnitsky sanctions against these officials, which includes President Duterte and Senator and former Philippine National Police (PNP) Chief Ronald Dela Rosa, among others, for allegedly being architects of the war on drugs and campaign of state terror.¹¹¹

Killing of Environment Activists

The number of environment protection activists killed in the Philippines in 2017 increased by 71 percent to 48 compared to 28 in 2016, according to a Global Witness annual report released recently. It was the highest recorded number of environment related killings in Asia in a single year and the Philippines ranked second after Mexico (which had a total of 57 killings).¹¹² The report said that 20 of the killings (or 41.6 percent) were linked to protests against agribusiness, with soldiers suspected of having been involved in 56 percent of the murders, and 67 percent of these happened in resource-rich conflict areas of Mindanao. Accordingly, indigenous peoples in these areas were the primary victims of attacks against environmental activists and human rights defenders, allegedly perpetrated by military forces who are also conducting counter-insurgency operations against communist rebels in Mindanao.¹¹³ In 2019, The Philippines replaced Brazil as the most dangerous country in the world to be an environmentalist.

Commission on Human Rights (CHR)

At the forefront of human rights protection in the Philippines is the national Commission on Human Rights (CHR), which is an independent constitutional body mandated to promote and protect human rights through education, training, assistance, and investigation. According to its 2021 report into deaths in relation to the anti-illegal drug campaign, the CHR investigated 451 operations by law enforcers in relation to drug events. From these there were a total of 705 recorded victims, with 538 of these victims dying during these operations. Four hundred and fifty one (451) of victims were attributed to law enforcement operations, one hundred and four (104) attributed to non-law enforcement operations, and no information was available for twenty four (24) operations.¹¹⁴

It was observed that police accounts of law enforcement operations claimed that 466 of these victims initiated aggression or resisted arrest during such operations. Police records showed that only two 2% or 11 people survived the officers' alleged attempt to quell such aggression or resistance.¹¹⁵ Police protocol authorises necessary and reasonable force if a subject is aggressive or resistance. Excessive use of force, especially when law enforcement outnumbers a lone aggressor, could indicate possible abuse of strength and intent to kill. Access to police documents limit the analysis of these deaths. Furthering hindering investigation is institutional protection of police and rejection of attempts to investigate. Across three identified regions – National Capital Region (NCR), Region III, and Region IV-A – only 28% of case records contained the prescribed police documents. The denial of access is often attributed to the Inventory of Exceptions to Executive Order No. 02, s.2016, a “presidential directive” that seeks to increase privacy of executive documents and transactions¹¹⁶. Vocalising this, Solicitor-General Jose Calida gave his unwavering support to police in a 2016 press conference, stating: “I am here to indicate the support of the Duterte government for the anti- drug campaign... We will not allow anybody to derail this effort of the [police] ... I am here to encourage the PNP not to be afraid of any congressional or Senate investigations. We will defend [the police].”¹¹⁷

The CHR report made several concluding observations, including:

- “The Minnesota Protocol requires the State to investigate a potentially unlawful death promptly, effectively and thoroughly, with independence, impartiality and transparency. Sadly, the Philippine Government has failed to perform this duty.
- Further, the CHR finds that the Government encourages a culture of impunity among offenders, who are both State and non-State actors.
- In the available police records, the CHR observes insufficient and ineffective measures taken by the PNP to investigate and punish contraventions of police protocols.”¹¹⁸

As the criticisms mounted against the government's bloody anti-drug war campaign by human rights advocates at home and abroad, the CHR came under fire from President Duterte and his supporters in the lower chamber of Congress. Specifically, Duterte challenged the CHR's authority to investigate allegations of police abuse without his approval,¹¹⁹ while the former Speaker of the House of Representatives threatened to reduce the budget of the CHR to US\$20 in the 2018 budget.¹²⁰ Duterte and his supporters in the Congress were particularly critical of the chair of the Commission for his political partisanship given that he is a member of the former ruling Liberal Party and was a campaign manager of former President Benigno Aquino III. The CHR's budget was however restored to its original proposed budget P649.8 million for 2018 following strong support of the Senate and pressure from civil society groups and human rights advocates in the Philippines. During its third cycle of Universal Periodic Review (UPR) in the UN Human Rights Council in May 2017, the Philippine government underscored in its report that Congress “recognised the need for the CHR to increase its resources and expand its activities relating to investigation of human rights cases, provision for assistance to human rights victims, and other operations programs.”¹²¹ From a 2016 budget of P439 million, the CHR's budget was increased to P860.5 million in 2021.¹²² Accordingly, a bill has been filed to strengthen the CHR's functional and structural organisation, which would equip it with “prosecutorial and quasi-judicial power to make it more effective” in carrying out its mandate.¹²³

The CHR also performs oversight functions in relation to promoting security sector reform and governance. Specifically, it provides human rights training courses for members of the AFP across all service branches, including international human rights law and international humanitarian law. Successful completion of these required courses are prerequisites for induction, promotion, reassignment, and qualification for foreign schooling opportunities. The Commission also certifies AFP officials who are being considered for promotion to the rank of general that they have no record of human rights violation, which is a constitutional requirement to be confirmed by the Congressional

RISK FACTOR 2: RECORD OF SERIOUS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

Commission of Appointments (CA). While the CA may postpone the promotion of AFP officials, violations of human rights do not preclude promotion. In fact, some military officials have been promoted despite their involvement in disappearances or killings of human rights activists, as well as those who have committed human rights violations. For example, Maj. Gen. Jovito Palparan, who was arrested in 2014 after three years in hiding, was promoted to general despite his alleged human rights violations.¹²⁴ Indeed, this puts into question the effectiveness of the CHR in performing its oversight function in ensuring accountability and rule of law in the security sector.¹²⁵

Other challenges to protecting human rights in the Philippines include: 1) slow progress in implementing reforms aimed at improving investigation and prosecutions of alleged human rights violations by elements in the security sector; 2) inadequate witness protection programs under the management of the Department of Justice due to inadequate funding and procedural delays, thereby undermining their effectiveness; and 3) overburdening the CHR's smaller witness protection program by witnesses to EJKs related to the government's anti-drug war.¹²⁶

The described events demonstrated policy or practice of impunity for or tolerance of serious violations of international human rights and humanitarian law, of atrocity crimes, or of their incitement. The killing, whether extra-judicial or authorised on the basis of reasonable force, are in violation of international human rights and humanitarian law, particularly the fundamental right to life and follow due legal processes under the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UNDHR). Duterte is a consistent vocal supporter of vigilante groups killing drug users and justifies these deaths. These correlate to indicators 2.3, 2.5, 2.6, and 2.8 of Common Risk Factor 2: Record of Serious Violations of International Human Rights and Humanitarian Law.

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

3. Weaknesses in state structures

Circumstances that negatively affect the capacity of a State to prevent or halt atrocity crimes.

Indicators	
3.1	National legal framework that does not offer ample and effective protection, including through ratification and domestication of relevant international human rights and humanitarian law treaties.
3.2	National institutions, particularly judicial, law enforcement and human rights institutions that lack sufficient resources, adequate representation or training.
3.3	Lack of an independent and impartial judiciary.
3.4	Lack of effective civilian control of security forces.
3.5	High levels of corruption or poor governance.
3.6	Absence or inadequate external or internal mechanisms of oversight and accountability, including those where victims can seek recourse for their claims.
3.7	Lack of awareness of and training on international human rights and humanitarian law to military forces, irregular forces and non-State armed groups, or other relevant actors.
3.8	Lack of capacity to ensure that means and methods of warfare comply with international humanitarian law standards.
3.9	Lack of resources for reform or institution-building, including through regional or international support.
3.10	Insufficient resources to implement overall measures aimed at protecting populations.

The risk of atrocities in the Philippines can be attributed to certain weaknesses in state structures. This includes high levels of corruption and poor governance (especially in remote and poor areas of the country); national institutions that lack sufficient resources and capability to perform their mandates; and insufficient resources to implement measures to protect populations.

Corruption and poor governance

The Philippines ranked 117 out of 180 countries in the 2021 Corruption Perception Index, down three places since 2017 and the lowest since entering the Index in 2012.¹²⁷ Legislation passed under the Duterte legislation has enabled extensive bribery practices in government institutions coupled with vague and complex laws have made many investors vulnerable to manipulation and extortion by public officials.¹²⁸

The GAN Risk and Compliance Report (formerly The Business Anti-Corruption Report) rates the Philippines as at 'high' risk for corruption in the judiciary system, police system, and public services. These high corruption levels

severely restrict the capacity of businesses to operate within the Philippines. Extensive bribery within the public administration and vague and complex laws render foreign companies vulnerable to extortion and manipulation by public officials. Favouritism and undue influence are reported to be widespread in the courts, leading to time-consuming and unfair dispute resolution, and to an uncertain business environment. Corruption plagues the customs administration, and fraud routinely occurs for companies when filing import and export documentation. Republic Act No. 3019 (The Anti-Graft and Corrupt Practices Act) criminalises [active](#) and [passive bribery](#), [extortion](#), [abuse of office](#) and [conflicts of interest](#). Similarly, Republic Act 6713 (The Code of Conduct and Ethical Standards for Public Officials and Employees) prohibits public officials and employees from soliciting or accepting, directly or indirectly, any gift, gratuity, favour, entertainment, loan or anything of monetary value from any person. The legislative framework for fighting potential corruption is scattered and is often not effectively enforced by law enforcement agencies.¹²⁹

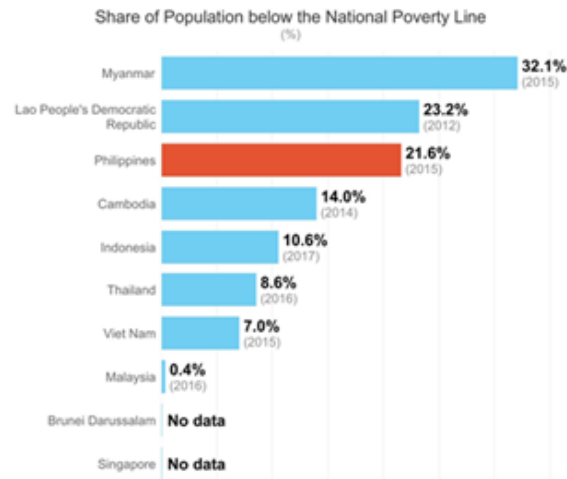
The judiciary, customs, and police are among the major state institutions that are highly vulnerable to corruption and bribery due to low salaries, understaffing, and lack of resources to effectively carry out their mandates according to the rule of law and based on fairness and transparency.¹³⁰ Nepotism, favouritism, and impunity are said to be prevalent in the government bureaucracy, as well as in judiciary and law enforcement agencies.¹³¹ In fact, President Duterte on many occasions have accused some magistrates, police and military personnel, and a number of local government officials of being involved in graft and corrupt practices, including smuggling and illegal drug trade. Indeed, because of the problem of extensive corruption in the country, its economic competitiveness has also suffered significantly, with its global ranking declining in recent years. Specifically, the country's competitiveness rank averaged 66.67 from 2007 to 2018, reaching an all-time high of 87 in 2010 and an all-time low of 46 in 2016. In 2022 it has risen to only 45.¹³²

Corruption and poor governance in the Philippines have also had some negative impact on human development, particularly in the government's efforts in alleviating poverty and narrowing the inequality gap. For example, a number of high-ranking officials, legislators, and local government officials have been charged before the anti-graft court for violation of anti-corruption laws, including plunder and/or misuse of public funds. In 2017 alone, there was an 88 percent increase in the number of cases filed (14,442 total) against public officials before the anti-graft court, 23 percent (or 3,268) of which involved high ranking officials (see Figure 1 below).¹³³ In 2012, the Aquino administration filed plunder charges against some senators who were allegedly involved in diverting public funds for development projects through the use of bogus NGOs. No less than Aquino himself was charged in June 2018 with usurpation of legislative powers by the Ombudsman for using Pesos 72 billion (or US\$1.32 billion) "savings" in the national budget through an irregular "Disbursement Acceleration Program" scheme, which has been declared unconstitutional by the Supreme Court.¹³⁴ Since 2014, the top government agencies with the highest number of cases in the anti-graft court involved local government units, legislators, the PNP and the AFP, and former and current officials in various executive departments.¹³⁵ Table 1 below shows the combined number of cases filed in the Ombudsman's Office against top ten government institutions or agencies based on statistics provided online.

Table 1: Top Government Institutions with Most Number of Cases Filed at the Office of the Ombudsman (2014-2017)¹³⁶

Government Institutions/Agencies	2014	2015	2016	2017 ¹³⁷
Local Government Units	2053	2697	2799	1457
Executive Department Agencies	500 ¹³⁸	564 ¹³⁹	446 ¹⁴⁰	184 ¹⁴¹
House of Representatives				141
Security Sector (Armed Forces of the Philippines and Philippine National Police)	1457 ¹⁴²	2753 ¹⁴³	1223 ¹⁴⁴	
Other state agencies	484 ¹⁴⁵	87 ¹⁴⁶	109 ¹⁴⁷	298 ¹⁴⁸

Despite achieving high growth rates in the last decade, the Philippines' poverty incidence and inequality have not improved significantly compared to other medium-income member states of ASEAN. More than 20 percent of the population in the Philippines live below the national poverty line, which is much higher than those in Cambodia, Indonesia, Thailand, Malaysia, and Vietnam. Figure 1 below shows that the Philippines' poverty incidence is only slightly better than Laos.



Source: Asian Development Bank, Basic Statistics 2018

According to a report by the Asian Development Bank, some of the major factors that contribute to the persistence of poverty in the Philippines include: 1) “low to moderate economic growth for the past 40 years”; 2) “weakness in employment generation and the quality of jobs generated”; 3) “failure to fully develop the agriculture sector”; 4) “high inflation during crisis periods”; 5) “high levels of population growth”; 6) “high and persistent levels of inequality (incomes and assets), which dampen the positive impacts of economic expansion”; and 7) “recurrent shocks and exposure to risks such as economic crisis, conflicts, natural disasters, and ‘environmental poverty.’”¹⁴⁹ The same report pointed out that economic growth over several decades did not translate into poverty reduction even as poverty levels have varied significantly across the Philippines. As well, poverty incidence in the Philippines is essentially a rural phenomenon (although urban poverty was also on the rise), with strong links to educational attainment. Most of the poor in the country have large families made up of six or more members. As well, the report pointed to the weakness of local government capacity in implementing poverty reduction programs even as these programs were deficient in achieving targets.¹⁵⁰

Philippines’ HDI value for 2019 is 0.718— which put the country in the high human development category—positioning it at 107 out of 189 countries and territories. The rank is shared with Bolivia and Indonesia.¹⁵¹ Between 1990 and 2019, Philippines’ HDI value increased from 0.593 to 0.718, an increase of 21.1 percent. Table A reviews Philippines’ progress in each of the HDI indicators. Between 1990 and 2019, Philippines’ life expectancy at birth increased by 4.9 years, mean years of schooling increased by 2.8 years and expected years of schooling increased by 2.4 years. Philippines’ GNI per capita increased by about 135.2 percent between 1990 and 2019.

Although the Philippines’ Human Development Index (HDI) score has steadily improved among middle-income countries its absolute HDI score declines down to 0.587 when inequality index is factored in.

Specifically, inequality in life expectancy at birth (15.3 percent), education (10.1 percent), and income (28.1 percent) in the Philippines brings the inequality HDI (IHDI) coefficient to 18.2 percent – overall unmoved since 2017.¹⁵² As well, a significant section of the population are experiencing multidimensional poverty (i.e., education, health, and living standards): 6.3 percent (or 6.17 million people) are multidimensionally poor and additional 8.4 percent (or 8.213 million people) live near multidimensional poverty. On average, the intensity of poverty experienced by this section of the population is 51.6 percent.¹⁵³

In 2010, the HDI introduced the MPI, to identify people experiencing multiple overlapping deprivations in three areas: health, education, and standard of living. These factors are weighted to create a deprivation score for each individual in the survey of 33.3% to distinguish between those experiencing multidimensional poverty. The most recent available MPI data refers to 2017, where 5.8% of the population are multidimensionally poor and an additional 7.3% are vulnerable to multidimensional poverty. Overall, the Philippines has an MPI value of 0.024.¹⁵⁴ It is most severe in 10 provinces, primarily in Mindanao, where there is high level of conflict or vulnerable to conflict.¹⁵⁵ It is also in these provinces where the rule of political clans or dynasties is pervasive and has exacerbated low levels of human development, bad governance, violence, and poor business climate.¹⁵⁶ Apart from direct link to poverty, political dynasties undermine checks and balances in government institutions and the political system.¹⁵⁷ Accordingly, between 2007 and 2016, the dynastic share or the number of powerful clans per position in the Philippines “rose from 75% to 78% among district representatives; from 70% to 81% among governors; from 58% to 70% among mayors.”¹⁵⁸ Violent competition among political clans were also recorded in some of these poor provinces.¹⁵⁹

RISK FACTOR 3: WEAKNESS OF STATE STRUCTURES

The Security Sector: PNP and AFP

Within the security sector, mechanisms are also in place supposedly to ensure accountability and rule of law within the police and military organisation. Specifically, in the PNP, its Internal Affairs Service and investigative task force are expected to conduct investigations on complaints.¹⁶⁰ Corruption within the 176,000-member PNP is said to be endemic given its institutional weaknesses as well as the strong influence of local government officials for in the promotion and provision of resources for police officers. Its Internal Affairs Service reportedly launched 4,583 investigations between July 2016 and May 2019.¹⁶¹ Of these, there was only one case - that of 17-year-old Kian delos Santos – where police personnel were charged following a killing.¹⁶² This outcome owes much to the availability of closed-circuit television footage and public outrage following the murder.

The PNP's Task Force Usig is an internal mechanism within the police force tasked to investigate and monitor killings of media practitioners, labour activists, and foreigners. Between January and August 2017, it reported no new cases of EJKs. It also changed the language used with regard to deaths outside of official police operations (previously referred to as "deaths under investigation" which appeared to have been connected to the anti-drug campaign) and instead adopted to the term "homicide cases."¹⁶³ Although the PNP's Internal Affairs Service claimed that it was prevented from carrying out investigations into deaths resulting from police operations due to manpower and resource constraints, it also asserted that 100 percent of the incidents of killings involving policemen were from legitimate police action.¹⁶⁴

In the same report, the US State Department said that the Public Attorney's Office (PAO) and the National Bureau of Investigation (NBI) have not filed any criminal complaints against police officers for unlawful killings in connection with the anti-drug war despite criticisms from human rights groups at home and abroad.¹⁶⁵ It also pointed out that the state's institutional mechanisms have been largely ineffective in investigating and punishing abuse and corruption committed by security forces.¹⁶⁶ While President Duterte acknowledged and condemned corruption in government and in the security sector, "oversight mechanisms were poorly resourced" even as there was "little effort to target corrupt security officials."¹⁶⁷ It also noted that while the Ombudsman received 133 complaints concerning 229 cases of alleged human rights abuses by the military and law enforcement personnel, all cases remained open pending further investigation, with "no convictions recorded against high ranking police or military officials."¹⁶⁸

RISK FACTOR 4: TRIGGERING FACTORS

4. Triggering factors

Events or circumstances that, even if seemingly unrelated to atrocity crimes, may seriously exacerbate existing conditions or may spark their onset.

Indicators	
8.1	Sudden deployment of security forces or commencement of armed hostilities.
8.2	Spillover of armed conflicts or serious tensions in neighbouring countries.
8.3	Measures taken by the international community perceived as threatening to a States' sovereignty.
8.4	Abrupt or irregular regime changes, transfers of power, or changes in political power of groups.
8.5	Attacks against the life, physical integrity, liberty or security of leaders, prominent individuals or members of opposing groups. Other serious acts of violence, such as terrorist attacks.
8.6	Religious events or real or perceived acts of religious intolerance or disrespect, including outside national borders.
8.7	Acts of incitement or hate propaganda targeting particular groups or individuals.
8.8	Census, elections, pivotal activities related to those processes, or measures that destabilize them.
8.9	Sudden changes that affect the economy or the workforce, including as a result of financial crises, natural disasters or epidemics.
	Discovery of natural resources or launching of exploitation projects that have a serious impact on the livelihoods and sustainability of groups or civilian populations.
	Commemoration events of past crimes or of traumatic or historical episodes that can exacerbate tensions between groups, including the glorification of perpetrators of atrocities.
	Acts related to accountability processes, particularly when perceived as unfair.

Further, there are several triggering factors which exacerbate the risk of atrocities, including perceived threats to sovereignty in the face of aforementioned risks and potential human rights abuses, the potential for election-related tensions and violence, and economic and political tensions arising from COVID-19.

Perceived threats to sovereignty

Duterte has repeatedly stated his disdain for international institutions and how he perceives they impede on the sovereignty of the Philippines. In August of 2016 the UN Special Rapporteur on extrajudicial killings issued a directive statement outlining the human rights obligations of the Philippines.¹⁶⁹ Duterte responded in ire, calling the UN a “stupid body”, and threatening to remove the Philippines.¹⁷⁰ In September, then-Secretary-General Ban Ki-Moon issued a statement denouncing the killings, to which Duterte responded: “[Ki-Moon] is another fool. I will continue the campaign against the criminals. I do not have any pity for them. I don’t [care]. I am the president of the Philippines, not the republic of the international community.”¹⁷¹

The Philippines also withdrew from the ICC in 2018 and Duterte has repeatedly stated his government will not cooperate with any investigation. During a visit to the Western province of Palawan in November of 2021, he reinforced this: “What’s [the ICC’s] problem? Why did they come here? Until hell freezes and turns into ice, I will not allow this nonsense [investigation] to happen.”¹⁷²

Potential for election violence

The International Coalition for Human Rights in the Philippines (ICHRP) highlights that election campaigns in the Philippines are historically marked by violence. An estimated 33 people were killed in relation to the 2019 midterm elections, and the fostering of vigilante justice under the Duterte administration has created an environment of relative impunity.

The Philippines ranks 138th out of 180 states in the 2021 World Press Freedom Index, dropping two ranks from its 2020 ranking.¹⁷³ At least 22 journalists and media workers have been killed under the Duterte administration.¹⁷⁴ Significant media figures and community have faced multiple arrest warrants for often far-fetched charges relating to drug use or distribution, and have resolved to lie low out of fear for the safety of themselves and their families.¹⁷⁵ The deadliest incident in the history of the mass media took place in 2009 in relation to an election, where 32 journalists and 26 civilians were massacred on the order of an incumbent candidate of the ruling party.¹⁷⁶ International Observer Mission (IOM) Commissioner Rev. Michael Yoshii, observes “the election context itself is deeply troubling. As noted last year in the reports of INVESTIGATE PH findings, state policies including the Anti-Terrorism Act have emboldened the police and military to attack activists, peasant leaders, and Indigenous Peoples. This suggests that those charged with protecting the polls are potential perpetrators of election violence.”¹⁷⁷

Impacts of natural disasters

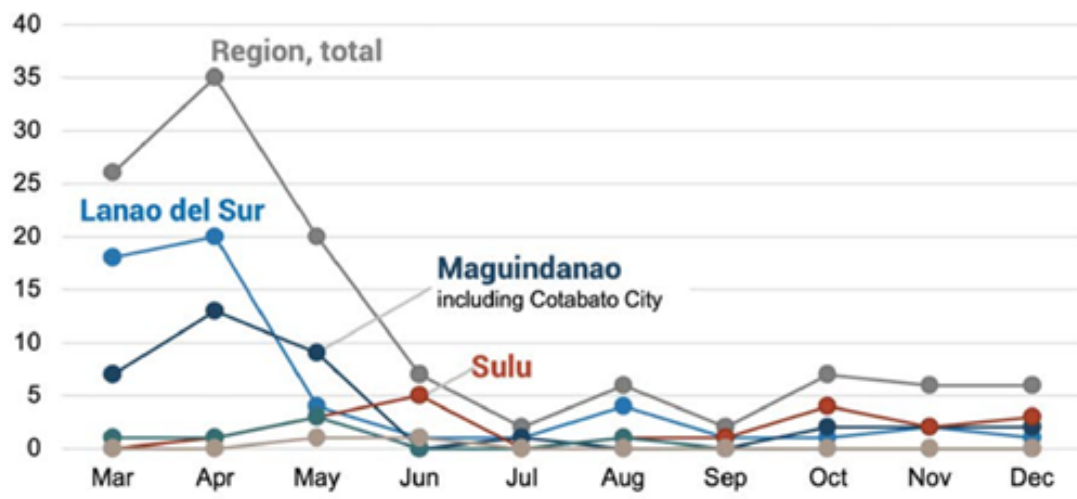
More than three million people were impacted by Typhoon Rai in December of 2021, which caused widespread power outages and was described as the Red Cross as the worst typhoon to impact the country in fifty years and caused approximately USD\$1 billion in damages.¹⁷⁸ The UN Office for the Coordination of Humanitarian Affairs (OCHA) warned of illness due to water and food contamination already on the rise, with the situation due to deteriorate without humanitarian intervention.¹⁷⁹ As of January 2022, more than 208,480 people were still displaced and food security for the next six months is in flux.¹⁸⁰ The Philippines typically experience twenty typhoons and storms each year, the damage of which can catastrophically impact communities, through displacement, illness, and degradation of resources.

COVID-19 tensions in the Philippines

The government in the Philippines responded to COVID-19 in early 2020 with a succession of strict lockdowns enforced through curfews, checkpoints, and military patrols. These were reminiscent of the impact of martial law from May 2017 to December 2019, which was successful in minimising conflicts but increased tensions.¹⁸¹

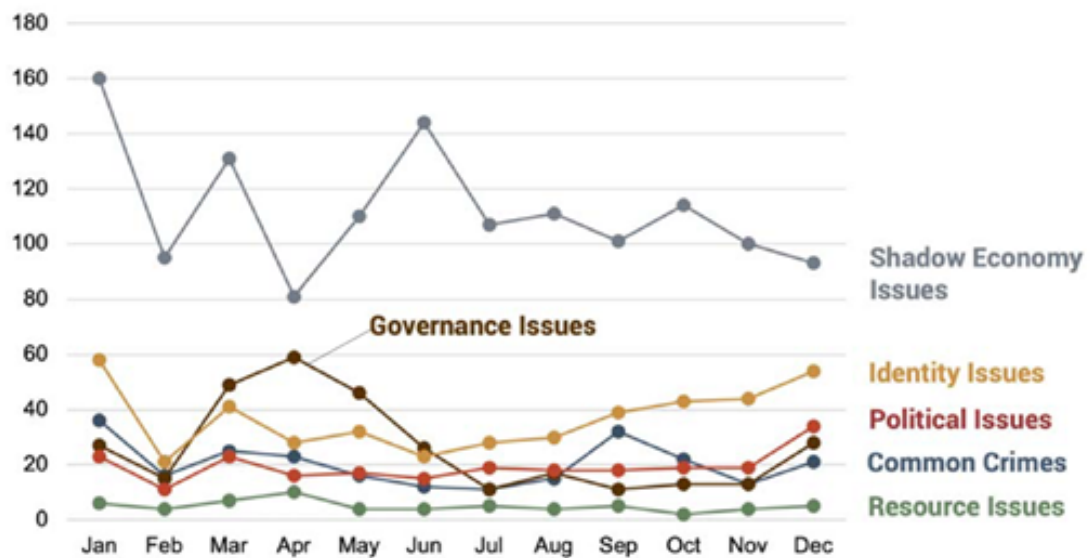
Economically, already vulnerable rural and impoverished communities faced significant job and income losses.¹⁸² In August of 2020 the construction industry saw 56% job losses, alongside 52% in public transport, and up to 70% in agriculture. Informal industries overwhelmingly occupied by women such as launderers, hairdressers, and street vendors had cumulative losses that are more difficult to quantify.¹⁸³ Some of these sectors improved in April 2021, with retail job losses decreasing by 13% but others such as public transport remain stricken. Tensions grew following lack of access to resources and growing unemployment, escalating into conflicts in some regions including Lanao del Sur, Maguindanao, and Sulu. From March to December 2020, a total of 288 civilians, were arrested.¹⁸⁴ Nearly half of these were from Lanao del Sur, which had stricter lockdowns than other regions. Further, lockdowns restricted access to shadow economic activities that support many people in these regions.

Figure 2. Conflicts triggered by COVID-19 restrictions and protocols, BARMM and Isabela



Source: Conflict Alert

Figure 3. Conflict incidents by main causes, BARMM and Isabela City, 2020



Source: Conflict Alert

These factors have exacerbating impacts on the potential for atrocity crimes to unfold, particularly if multiple of these triggers culminate at once. It can also occur that unpredictable events may aggravate conditions or catalyse a deterioration in circumstances, inciting atrocity crimes.

Summary and Conclusion

Based on the foregoing discussion of the common risk factors relevant to the Philippines, the persistence of armed conflicts particularly in Mindanao remains a major risk for atrocities in the country. Although the Duterte administration recently signed the Bangsamoro Organic Law, the transition phase will be a critical step to implementing the law following its ratification by residents in the expanded BARMM. There is still a distinct possibility that extremist militants and some disaffected elements from the MNLF would attempt to undermine the implementation of the BOL. The government and the MILF must therefore stay committed to the peace agreement and deny any opportunity for spoilers to succeed.

In order to mitigate the continuing risks for atrocities from armed conflicts, the Philippine government should give priority to addressing the root causes of armed rebellion and political violence in poor areas of the country, most especially in Mindanao. Specifically, it should seriously commit to providing better access to basic services and justice, as well as in improving the capability of local government units to effectively implement poverty alleviation programs. As well, the government should strictly enforce existing laws against proliferation of small arms and illicit gun trade, drug trafficking, and other forms of shadow economies that contribute to the perpetuation of warlord politics and political violence.

Finally, the government should take more seriously its commitment to preventing atrocities by strengthening the rule of law and accountability mechanisms by increasing financial and human resources in oversight bodies such as the Commission on Human Rights and the Office of the Ombudsman. This will ensure that these independent constitutional bodies would be able to effectively carry out their mandate and functions, particularly in combatting impunity, graft and corruption, and abuse of power by government officials and security sector personnel. This is of particular importance in the ongoing battle against illegal drug use, the securitisation of which has resulted in many deaths. This should be re-framed as a public health issue and the human rights to life and fair trial of any drug users should be emphasised. Within the security sector, the capacity and effectiveness of the PNP and the AFP to conduct credible and impartial investigations on human rights violations by its members should be improved through allocation of more resources, training, and improved vetting of recruits.

RECOMMENDATIONS

Recommendations

RECOMMENDATIONS FOR THE GOVERNMENT OF THE PHILIPPINES	
1	The Philippine government should seek to end conflicts with Communist groups and ensure the human rights of any prisoners in this conflict are upheld as detailed in Article 3 common to the 1949 Geneva Conventions and Additional Protocol II.
2	It should seek to uphold Bangsamoro law and protect the expanded BARMM through ongoing good faith peace talks with Muslim groups, including MILF and MLNF.
3	It should immediately cease and denounce all government extrajudicial, summary, or arbitrary killings in alignment with UNDHR Article 3 and ICCPR Article 6. The State party should seek to respect the right to life for all people within its jurisdictions, regardless of drug use or involvement. They should ensure perpetrators are appropriately investigated in public hearings. If culpability is found, then the victims' families should be compensated by the State as per the guidelines set out in Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law.
4	It should take seriously its primary responsibility to protect vulnerable populations in the Philippines by strengthening rule of law and accountability, addressing the root causes of conflicts, and responding more effectively to needs of marginalised people in conflict-affected communities, especially in the poor provinces of Mindanao.
5	It should immediately cease inciting any extrajudicial killings and seek to prosecute offenders. Any persons charged should have full rights in a public court of law to present a defence as outlined under UNDHR Articles 9, 10, and 11 and ICCPR Article 26.
6	It should develop a sustainable public health-based approach to drug eradication that provides rehabilitation opportunities and support, fulfilling rights to health services as stipulated in UNDHR Article 25.
7	It should seek to expand social services such as welfare, housing, and employment support to minimise reliance on narcotics and their trade, in addition to any informal or shadow economies, and reduce the root cause of violence.
8	It should respect the autonomy of the Commission on Human Rights to carry out their mandate and not impede on any investigations or mechanisms in any way.
9	The Philippine Congress (legislature) should also pass appropriate laws that would enhance further the institutional capability of oversight bodies in promoting the rule of law and accountability. Legislators should also do their part in conducting investigations in aid of legislation particularly in protecting victims of human rights violations committed by agents of the state.
10	The Philippine government should not seek to unduly influence the 2022 elections or its stakeholders in any way, and respect the democratic process.
11	It should demonstrate its commitment to upholding universal norms on human rights protection, international humanitarian law, and responsibility to protect by cooperating and responding accordingly to the concerns of the international community about the state of human rights in the Philippines in the context of ongoing war on drugs, environmental protection, identity-based conflicts, and the rise of violent extremism. It should also reconsider its decision to withdraw its membership in the International Criminal Court.
RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY	
1	The UN Human Rights Council should continue with its Universal Period Review of the situation of human rights in the Philippines in support of continuing efforts to hold the Philippine government accountable for human rights violations in the country.
2	The Office of the Prosecutor of the International Criminal Court (ICC) should resume its formal investigation of drug-related killings in the Philippines if the government fails to undertake satisfactory investigations and prosecution of drug-related killings under the Duterte administration.
3	Foreign partners should offer financial and logistical support to pilot public-health-based approach to illegal drug consumption as part of its war on drugs.
4	Foreign partners should offer financial and logistical support to pilot public-health-based approach to illegal drug consumption as part of its war on drugs. International support should be extended to the Philippines for strengthening national accountability programs for the PNP.
5	The international community should continue to help the Philippine government in addressing the root causes of conflict in Mindanao and provide assistance to ensure the efficient and effective implementation of the Bangsamoro Organic Law.
6	The UN and its associated organs should continue to engage the Philippine government through existing mechanisms such as the universal periodic review in the Human Rights Council in promoting human rights protection in the country. The UN should also provide capacity building assistance and training to the security sector and oversight bodies in the Philippines promoting the rule of law and accountability, combatting corruption, and providing assistance to victims of human rights violations.

END NOTES

Endnotes

- 1 Alexis Romero, "DND admits recent surge in NPA numbers," The Philippine Star online, 7 February 2017, from <https://www.philstar.com/headlines/2017/02/07/1670024/dnd-admits-recent-surge-npa-numbers#RYh4TS1sk5es6jZz.99>, accessed on 5 August 2018. See also Edwin Espejo, "20 years after EDSA I: The communist movement in Mindanao," Asian Correspondent online, 25 May 2008, from <https://asiancorrespondent.com/2008/05/20-years-after-edsa-i-the-communist-movement-in-mindanao/#jFl1drKab7WC3Ez1.99>, accessed on 5 August 2018.
- 2 Jennifer Santiago Oreta, "30 years in Search for Peace: The Philippines Peace Process Experience," Security Reform Initiative (SRI) Online, 14 January 2018, from <http://www.securityreforminitiative.org/2018/01/14/30-years-search-peace-philippines-peace-process-experience/>, accessed on 2 August 2018.
- 3 "Gov't suspends backchannel talks with Gov't suspends backchannel talks with NDF," GMA News online, 21 June 2018, from http://www.gmanetwork.com/news/news/nation/657645/gov-t-suspends-backchannel-talks-with-ndf/story/?utm_source=GMANews&utm_medium=Facebook&utm_campaign=news, accessed on 21 June 2018; Delfin T. Mallari, "Localized peace talks waste of people's money—Sison," Inquirer.net, 14 July 2018, from <http://newsinfo.inquirer.net/1010110/localized-peace-talks-waste-of-peoples-money-sison>, accessed on 14 July 2018.
- 4 Duterte Addressing Joint National Task Force, 'RTF to ELAC X Meeting (Speech)', 2 May 2021, from <https://www.youtube.com/watch?v=roqbrYEgK2I>
- 5 H. Marcos C. Mordeno, "Moro people urged to register to ensure ratification of Bangsamoro law," Mindanews.com, 29 July 2018, from <http://www.mindanews.com/peace-process/2018/07/moro-people-urged-to-register-to-ensure-ratification-of-bangsamoro-law/>, accessed on 2 August 2018; Carolyn O. Arguillas, "MILF chair on bicam version of Bangsamoro law: '80 to 90% CAB-compliant,'" Mindanews.com, 14 July 2018, from <http://www.mindanews.com/peace-process/2018/07/milf-chair-on-bicam-version-of-bangsamoro-law-80-to-90-cab-compliant1/>, accessed on 2 August 2018.
- 6 H. Marcos C. Mordeno, "Moro people urged to register to ensure ratification of Bangsamoro law," ibid.
- 7 "Philippines: Mindanao Civilians Under Threat From Milf Units And Militias," Amnesty International, 21 August 2018, from <https://www.amnesty.org/en/press-releases/2008/08/philippines-mindanao-civilians-under-threat-milf-units-and-militias-2008/>, accessed on 30 July 2018.
- 8 Ibid.
- 9 Roel Pareño, "Nur declares independence of 'Bangsamoro Republik'," Philippine Star online, 14 August 2013, from <https://www.philstar.com/nation/2013/08/15/1094161/nur-declares-independence-bangsamoro-republik>, accessed on 2 August 2018.
- 10 Perseus Echaminada, "Misuari freezes MNLF bid to secede before UN," The Daily Tribune, 20 July 2018, from <http://conceptnewscentral.com/index.php/2018/07/20/misuari-freezes-mnlf-bid-to-secede-before-un/>, accessed On 1 August 2018.
- 11 Darel Placido, "Duterte offers peace to Misuari," ABS-CBN News online, 26 July 2018, from <http://news.abs-cbn.com/news/07/26/18/duterte-offers-peace-to-misuari>, accessed on 2 July 2018.
- 12 Bavan Jaipragas and Amir Mawalil, "Will Duterte's Sharia Gift Bring Lasting Peace To Southern Philippines?," South China Morning Post online, 28 July 2018, from <https://www.scmp.com/week-asia/politics/article/2157206/will-dutertes-sharia-gift-bring-lasting-peace-southern>, accessed on 1 August 2018.
- 13 Jovee Marie de la Cruz, "P160 billion needed to fund Bangsamoro Organic Law, hike in IRA share," Business Mirror online, 26 July 2018, from <https://businessmirror.com.ph/p160-billion-needed-to-fund-bangsamoro-organic-law-hike-in-ira-share/>, accessed on 1 August 2018.
- 14 Julie McCarthy, "The Philippines' Marawi City Remains Wrecked Nearly 2 Years after ISIS War", from <https://www.npr.org/2019/06/12/731218264/the-philippines-marawi-city-remains-wrecked-nearly-2-years-after-isis-war>, accessed 9 November 2021.
- 15 Jim Gomez, "Philippines declares end to 5-month militant siege in Marawi," Associated Press, 24 October 2017, from <https://www.yahoo.com/news/philippines-declares-militants-marawi-finished-051931689.html>, accessed on 9 November 2021.
- 16 Carolyn O. Arguillas, "6,469 'bakwit' families return to Marawi starting Sunday," MindaNews online, 28 October 2017, from <http://www.mindanews.com/top-stories/2017/10/6469-bakwit-families-return-to-marawi-starting-sunday1/>, accessed on 9 November 2021.
- 17 Ben West, "After the Siege of Marawi, Another Fight Plays Out," Stratfor Worldview online, 26 October 2017, from <https://worldview.stratfor.com/article/after-siege-marawi-another-fight-plays-out>, accessed on 9 November 2017.
- 18 Christine Joy Patag, "P5 billion allotted for Marawi rehabilitation this year," Philstar.com, 16 October 2017, from <http://www.philstar.com/headlines/2017/10/16/1749430/p5-billion-allotted-marawi-rehabilitation-year>, accessed on 9 November 2017.
- 19 John Paolo Bencito, "Marawi damage estimate raised to P49.8b," The Manila Standard, 6 January 2018, from <http://manilastandard.net/mobile/article/255660>, accessed on 6 January 2018.
- 20 Steven Rood, "The struggle for Marawi has only just begun," East Asia Forum, 2 February 2018, from http://www.eastasiaforum.org/2018/02/02/the-struggle-for-marawi-has-only-just-begun/?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter2018-02-04, accessed on 2 February 2018.
- 21 Ibid.
- 22 Sofia Tomacruz, "Marawi rehab 'on track' despite search for new developer," Rappler online, 3 July 2018, from <https://www.rappler.com/nation/206396-marawi-rehabilitation-on-track-despite-consortium-disqualification>, accessed on 24 July 2018.
- 23 JC Gotinga, "Philippines: Maranao people oppose Marawi rehabilitation plan," Al Jazeera online, 27 June 2018, from <https://www.aljazeera.com/news/2018/06/philippines-maranao-people-oppose-marawi-rehabilitation-plan-180626153252968.html>, accessed on 29 July 2018.
- 24 Carmela Fonbuena, "Marawi folks less convinced Duterte has concern for Muslims – SWS," Rappler online, 19 July 2018, from https://www.rappler.com/nation/207670-marawi-residents-duterte-muslims-sws-survey-april-2018?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#Echobox=1531979152, accessed on 29 July 2019.
- 25 McCarthy, "The Philippines' Marawi City Remains Wrecked Nearly 2 Years after ISIS War", from <https://www.npr.org/2019/06/12/731218264/the-philippines-marawi-city-remains-wrecked-nearly-2-years-after-isis-war>.
- 26 Ibid.
- 27 Edwin Fernandez, "44 BIFF members killed in Army attacks in Maguindanao," Inquirer.net, 11 March 2018, from <http://newsinfo.inquirer.net/974381/biff-casualties-in-battle-with-army-maguindanao>, accessed on 11 March 2018 and Dempsey Reyes, "9 BIFF, 1 soldier killed in Maguindanao clash," The Manila Times, 7 January 2018, from <http://www.manilatimes.net/9-biff-1-soldier-killed-in-maguindanao-clash/372866>, accessed on 8 January 2018.

- 28 Bong S. Sarmiento, "ISIS alive and well in the Philippines," Asia Times, 12 March 2018, from http://www.atimes.com/article/isis-alive-well-philippines/?utm_source=The+Daily+Report&utm_campaign=0a220d7205-EMAIL_CAMPAIGN_2018_03_12&utm_medium=email&utm_term=0_1f8bca137f-0a220d7205-31538393, accessed on 12 March 2018.
- 29 Carmela Fonbuena, "Troops clash with BIFF in Maguindanao town center," Rappler Online, 4 July 2018, from <https://www.rappler.com/nation/206483-afp-biff-clash-town-center-maguindanao-july-3-2018>, accessed on 30 July 2018.
- 30 Edwin Fernandez, "20,000 flee air, ground strikes vs BIFF rebels," Inquirer.net, 12 June 2018, from <http://newsinfo.inquirer.net/999835/20000-flee-air-ground-strikes-vs-biff-rebels>, accessed on 12 June 2018.
- 31 McCarthy, "The Philippines' Marawi City Remains Wrecked Nearly 2 Years after ISIS War", from <https://www.npr.org/2019/06/12/731218264/the-philippines-marawi-city-remains-wrecked-nearly-2-years-after-isis-war>.
- 32 Ed Lingao, "Ampatuans used public office to amass mostly illegal guns," PCIJ.org, 3 February 2010, from <http://pcij.org/stories/ampatuans-used-public-office-to-amass-mostly-illegal-guns/>, accessed on 7 August 2018.
- 33 Bebot Sison Jr and Cecile Suerte Felipe, "PNP monitoring 76 private armies," The Philippine Star online, 29 March 2016, from <https://www.philstar.com/nation/2016/03/29/1567380/pnp-monitoring-76-private-armies>, accessed on 1 August 2018.
- 34 Inquirer Mindanao, "PNP: 80% of private armies keep hideouts in Mindanao," Inquirer.net, 2 April 2016, from <http://newsinfo.inquirer.net/777424/pnp-80-of-private-armies-keep-hideouts-in-mindanao#ixzz5NCdq8og0>, accessed on 1 August 2018.
- 35 Agence France Presse, "At least 10 dead in PH election day violence," Rappler.com, 9 May 2016, from <https://www.rappler.com/nation/politics/elections/2016/132441-dead-philippine-election-day-violence-2016>, accessed on 3 August 2018.
- 36 Janvic Mateo, "3 Maguindanao massacre suspects acquitted for lack of evidence," The Philippine Star online, 6 July 2017, from <https://www.philstar.com/headlines/2017/07/06/1717230/3-maguindanao-massacre-suspects-acquitted-lack-evidence#jdUWlvQoJSSfMI4P.99>, accessed on 5 August 2018.
- 37 Ibid.
- 38 "Case of vanishing witnesses," South China Morning Post, 12 August 2012, from <https://www.scmp.com/article/1014602/case-vanishing-witnesses>, accessed on 5 August 2018.
- 39 "CA: 3 accused in Maguindanao massacre can't be state witnesses," Rappler.com, 29 July 2018, from <https://www.rappler.com/nation/208414-court-of-appeals-maguindanao-massacre-deny-state-witness>, accessed on 5 August 2018.
- 40 Maria Ana Rowena Luz G. Layador, "Falling short in security sector governance (SSG): clans and auxiliaries in the Maguindanao contributing to un-peace?," Philippine Political Science Journal, Vol. 36, No. 1 (2015), pp. 82-83.
- 41 Ibid., p. 83
- 42 Ibid., p. 84
- 43 Ibid.
- 44 Ibid., pp. 84-85
- 45 Ibid., p. 86
- 46 Jodesz Gavilan, "Mayors, vice mayors killed under Duterte gov't," Rappler Online, 11 July 2018 (updated), from <https://www.rappler.com/newsbreak/iq/206262-list-mayors-vice-mayors-killed-since-july-2016-duterte-government>, accessed on 28 July 2018.
- 47 "Philippines: Election-related violence leaves 33 dead," Al Jazeera online, 14 May 2018, from <https://www.aljazeera.com/news/2018/05/philippines-election-related-violence-leaves-33-dead-180514080913889.html>, accessed on 29 July 2018.
- 48 Rod Bolivar, "Comelec tags 295 Northern Mindanao villages as 'election areas of concern'," ABS-CBN News online, 5 May 2018, from <http://news.abs-cbn.com/news/05/05/18/comelec-tags-295-northern-mindanao-villages-as-election-areas-of-concern>, accessed on 29 July 2018.
- 49 Antonion Colina IV, "8,500 troops deployed in Eastern Mindanao to secure barangay, SK polls," Mindanews.com, 13 May 2018, from <http://www.mindanews.com/top-stories/2018/05/8500-troops-deployed-in-eastern-mindanao-to-secure-barangay-sk-polls/>, accessed on 29 July 2018.
- 50 Rappler, 'A Bloody Trail: People We Lost Under Duterte', 21 December 2021, available at <https://www.rappler.com/newsbreak/iq/list-drug-war-activists-lawyers-government-officials-killed-duterte-administration/>, accessed 2 February 2022.
- 51 Wilfredo Magno Torres III, Introduction, in Wilfredo Magno Torres (ed.) *Rido: Clan Feuding and Conflict Management in Mindanao* (Manila: Ateneo University Press, 2014), p. 4.
- 52 Ibid., p. 8.
- 53 Ibid.
- 54 Ibid., p. 4.
- 55 Ibid., p. 8.
- 56 Ibid.
- 57 Ibid.
- 58 Ibid., p. 9.
- 59 Steven Schoofs and Francisco J. Lara Jr., "Introduction", in Steven Schoofs and Francisco J. Lara Jr. (eds.), *Out of the Shadows: Violent Conflict and the Real Economy of Mindanao* (International Alert 2013), p. 26.
- 60 Ibid., pp. 26-27
- 61 Ibid., p. 20
- 62 Ibid., p. 21
- 63 Eddie L. Qutoriano, "Shadow Economy or Shadow State? The Illicit Gun Trade in Conflict-Affected Mindanao," in Steven Schoofs and Francisco J. Lara Jr. (eds.), *ibid.* p. 82.
- 64 Rufa Cagoco-Guiam and Steven Schoofs, "A Deadly Cocktail? Illicit Drugs, Politics, and Violent Conflict in Lanao del Sur and Maguindanao," in Steven Schoofs and Francisco J. Lara Jr. (eds.), *ibid.*, pp. 114-115.
- 65 Eric Gutierrez, "Bandits, Villains and Bosses: Kidnappers of the Southern Philippines," in Steven Schoofs and Francisco J. Lara Jr. (eds.) *ibid.*, pp. 141-142.
- 66 Francisco J. Lara and Steven Schoofs, "Violent Conflict and the Real Economy of Mindanao: Conclusions and Policy Implications," in Steven Schoofs and Francisco J. Lara (eds.), *ibid.*, pp. 247-249
- 67 Rachel A.G. Reyes, "3,257: Fact checking the Marcos killings, 1975-1985," The Manila Times online, 12 April 2016, from <https://www.manilatimes.net/3257-fact-checking-the-marcos-killings-1975-1985/255735/>, accessed on 5 August 2018.
- 68 Rigoberto Tiglao, "Human rights abuses under Cory as bad as dictator's record – Marcos critics' own data," The Manila Times online, 17 April 2016, from <https://www.manilatimes.net/>

[human-rights-abuses-under-cory-as-bad-as-dictators-record-marcos-critics-own-data/256733/](https://www.hrw.org/news/2016/01/27/philippines-aquinos-doubtful-legacy-rights), accessed on 5 August 2018.

69 Human Rights Watch, "Philippines: Aquino's Doubtful Legacy on Rights," HRW.org, 27 January 2016, from <https://www.hrw.org/news/2016/01/27/philippines-aquinos-doubtful-legacy-rights>, accessed on 6 August 2018.

70 Ibid.

71 Floyd Whaley, "Amnesty Report Condemns Police Torture in Philippines," The New York Times online, 3 December 2014, from <https://www.nytimes.com/2014/12/04/world/asia/report-condemns-police-torture-in-philippines.html>, accessed on 6 August 2018.

72 Hannah Ellis-Petersen, 'Duterte's Philippines drug war death toll rises above 5,000', *The Guardian* (online, 19 December 2018) 5 <<https://www.theguardian.com/world/2018/dec/19/dutertes-philippines-drug-war-death-toll-rises-above-5000>>

73 Ibid.

74 Marly Rome Bondoc, "PNP tally: 4,354 dead in anti-drug PNP tally: 4,354 dead in anti-drug ops during Duterte admin," GMA News Online, 11 July 2018, from <http://www.gmanetwork.com/news/news/nation/660096/pnp-tally-4-354-dead-in-anti-drug-ops-during-duterte-admin/story/>, accessed on 12 July 2018.

75 "Half of all 'deaths under investigation' resolved - NCRPO chief," ABS-CBN News online, 24 April 2018, from <http://news.abs-cbn.com/news/04/24/18/half-of-all-deaths-under-investigation-resolved-ncrpo-chief>, accessed on 27 July 2018.

76 Hannah Ellis-Petersen, 'Duterte's Philippines drug war death toll rises above 5,000', *The Guardian* (online, 19 December 2018) 5 <<https://www.theguardian.com/world/2018/dec/19/dutertes-philippines-drug-war-death-toll-rises-above-5000>>

77 UNOHCHR *Annual report: the Situation of Human Rights in the Philippines*, 7, 20

78 Dahlia Simangan, 'Is the Philippine "War on Drugs" an Act of Genocide?' (2018) 20(1) *Journal of Genocide Research* 77, 79.

79 See: Gideon Lasco, 'Kalaban: Young Drug Users' Engagements with Law Enforcement in the Philippines' (2018) 52; *The International Journal of Drug Policy*, 41; Bouckaert, *Licence to Kill*, 4, 46-53, 73; *Annual report of the United Nations High Commissioner for Human Rights: the Situation of Human Rights in the Philippines*, 7, 21.

80 Lasco, 'Kalaban: Young Drug Users' Engagements with Law Enforcement in the Philippines', 52.

81 See: Bouckaert, *Licence to Kill*, Annex I: Excerpts from Police Reports Describing "Buy Bust" Police Killings.

82 Human Rights Watch, *Philippines: Police Deceit in 'Drug War' Killings*, (Media Release, Manila, 2 March 2017) <<https://www.hrw.org/news/2017/03/02/philippines-police-deceit-drug-war-killings>>, 20.

83 Peter Bouckaert, "Licence to Kill": Philippine Police Killings in Duterte's "War on Drugs", Human Rights Watch (online, 2 March 2017) <<https://www.hrw.org/report/2017/03/02/license-kill/philippine-police-killings-dutertes-war-drugs#5685>>, 7.

84 Gideon Lasco, and Gregory Yu, Vincen "'Shabu Is Different": Extrajudicial Killings, Death Penalty, and 'methamphetamine Exceptionalism' in the Philippines' (2021) 92 *The International Journal of Drug Policy* 103168

85 Dangerous Drugs Board (DDB), *2015 Nationwide Survey on the Nature and Extent of Drug Abuse in the Philippines*, (Annual Report, Manila, 26 August 2016).

86 Trisha Macas, 'Duterte: Only poor use shabu, rich addicts do "safer" cocaine, heroin', *GMA News Philippines* (online, 24 August 2016) <<https://www.gmanetwork.com/news/news/nation/578830/duterte-only-poor-use-shabu-rich-addicts-do-safer-cocaine-heroin/story/>>.

87 Adrian Gallagher, Euan Raffle and Zain Maulana, 'Failing to Fulfil the Responsibility to Protect: The War on Drugs as Crimes Against Humanity in the Philippines' (2020) 33(2) *Pacific Review*, 255.

88 ASEAN Parliamentarians for Human Rights (APHR), 'ASEAN parliamentarians call for immediate release of Philippine Sen. Leila de Lima on one-year anniversary of detention' (Media Release, 23 February 2018) <<https://aseanmp.org/2020/11/09/asean-parliamentarians-call-for-immediate-release-of-philippine-sen-leila-de-lima-on-one-year-anniversary-of-detention/>> .

89 Ibid.

90 ASEAN Parliamentarians for Human Rights (APHR), 'ASEAN parliamentarians call for immediate release of Philippine Sen. Leila de Lima on one-year anniversary of detention' (Media Release, 23 February 2018) <<https://aseanmp.org/2020/11/09/asean-parliamentarians-call-for-immediate-release-of-philippine-sen-leila-de-lima-on-one-year-anniversary-of-detention/>> .

91 Ibid.

92 Clare Baldwin and Adrew R. C. Marshall, "Philippine police use hospitals to hide drug war killings," Reuters, 29 June 2017, from <http://www.reuters.com/investigates/special-report/philippines-duterta-doa/>, accessed 30 June 2017.

93 Lian Buan, "Supreme Court: Drug war deaths may mean gov't behind killings," Rappler online, 11 April 2018, from <https://www.rappler.com/nation/200042-supreme-court-war-on-drugs-state-sponsored-killings>, accessed on 20 April 2018.

94 Edu Punay, "SC issues writ of amparo on 'Tokhang'," Philstar.com, 1 February 2017, from <http://www.philstar.com/headlines/2017/02/01/1667915/sc-issues-writ-amparo-tokhang>, accessed on 25 February 2017.

95 Lian Buan, "SC issues second writ of amparo vs local cops," Rappler.com, 21 February 2017, from <http://www.rappler.com/nation/162126-sc-second-writ-amparo-local-cops-drugs>, accessed on 25 February 2017.

96 Ibid.

97 "Full Text: Duterte's 2018 SONA speech," Philstar.com, 23 July 2018, from <https://www.philstar.com/headlines/2018/07/23/1836195/full-text-dutertes-2018-sona-speech>, accessed on 24 July 2018.

98 "Cayetano: PHL will welcome any UN rapporteur except Callamard," GMA News Online, 11 May 2017, from <http://www.gmanetwork.com/news/news/nation/610373/cayetano-phl-will-welcome-any-un-rapporteur-except-callamard/story/>, accessed on 18 July 2017.

99 The Presidential News Desk of President Rodrigo Roa Duterte, 'Press Conference of President Rodrigo Roa Duterte' (Press conference, Davao City, 21 August 2016) < <https://www.officialgazette.gov.ph/2016/08/21/press-conference-of-president-rodrigo-roa-duterte-august-21-2016/>>.

100 Rishi Iyengar, 'The Killing Season: Inside Philippine President Rodrigo Duterte's War on Drugs' (2016) 188(14) *Time* (Chicago, Ill.) 46, 48.

101 Karen Lema and Neil Jerome Morales, "Duterte to withdraw Philippines from ICC after 'outrageous attacks'", Reuters, 14 March 2018, from <https://www.reuters.com/article/us-philippines-duterte-icc/duterte-to-withdraw-philippines-from-icc-after-outrageous-attacks-idUSKCN1GQ0MA>, accessed on 14 March 2018.

102 "Philippines top court rules ICC has jurisdiction," The Bangkok Post, 21 July 2021, from <https://www.bangkokpost.com/world/2152595/philippines-top-court-rules-icc-has-jurisdiction>, accessed on 1 July 2021.

103 Full text: President Duterte's Speech at the 2021 UN General Assembly, Rappler.com, 22 September 2021, from <https://www.rappler.com/nation/full-text-duterte-speech-united-nations-general-assembly-2021>, accessed on 27 September 2021.

- 104 Gabriel Pabico Lalu, "PNP assures public of transparency to dispel fears about drug war," Inquirer.net, 16 September 2021, from <https://newsinfo.inquirer.net/1488886/pnp-assures-there-is-transparency-to-remove-doubts-on-drug-war-campaign>, accessed on 27 September 2021.
- 105 Aaron Recuenco, "PNP taking active role in review of drug war documents," The Manila Bulletin online, 23 September 2021, from <https://mb.com.ph/2021/09/23/pnp-taking-active-role-in-review-of-drug-war-documents/>, accessed on 27 September 2021.
- 106 "PNP says confident cops will be held accountable in DOJ drug war probe," ABS-CBN news online, 26 November 2021, from <https://news.abs-cbn.com/news/11/26/21/pnp-assures-cops-will-be-held-accountable-in-drug-war-killings>, accessed on 3 December 2021.
- 107 Dahas infographic, University of the Philippines Third World Studies Centre, 5 January 2022, from <https://www.facebook.com/up.twsc/photos/pcb.5424270547588928/5424270344255615/>, accessed on 7 April 2022.
- 108 Dahas infographic, University of the Philippines Third World Studies Centre, 6 April 2022 from <https://www.facebook.com/up.twsc/photos/pcb.5721638141185499/5721638097852170>, accessed on 7 April 2022.
- 109 Zacarian Sarao, "Total drug war deaths at 6,235 as of February 2022, says PDEA," Inquirer.net, 30 March 2022, from <https://newsinfo.inquirer.net/1575931/total-drug-war-deaths-at-6235-as-of-feb-28-says-pdea>, accessed on 7 April 2022.
- 110 Ibid.
- 111 Sundy Mae Locus, "Sanction Duterte, officials over drug war, rights violations —group," GMA News Online, 31 March 2022, from <https://www.gmanetwork.com/news/topstories/nation/827003/sanction-duterte-officials-over-drug-war-rights-violations-group/story/>, accessed on 7 April 2022.
- 112 Inday Espina-Varona, "Under Duterte, Philippines ranked Asia's most dangerous country for environment defenders, ABS-CBN News online, 25 July 2018, from <http://news.abs-cbn.com/news/07/25/18/under-duterte-philippines-ranked-asias-most-dangerous-country-for-environment-defenders>, accessed on 25 July 2018.
- 113 See "At what cost? Irresponsible business and the murder of land and environmental defenders in 2017," Global Witness, from https://www.globalwitness.org/documents/19392/Defenders_report_layout_AW2_lowres.pdf, accessed on 29 July 2018.
- 114 Republic of the Philippines Commission on Human Rights, 'Report on Investigated Human Rights Violations Reported in Relation to the Anti-Illegal Drug Campaign', September 2021, Annex A.
- 115 Republic of the Philippines Commission on Human Rights, 'Report on Investigated Human Rights Violations Reported in Relation to the Anti-Illegal Drug Campaign', September 2021.
- 116 Executive Order (E.O.) No. 02 or "Operationalizing in the Executive Branch of the People's Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines" signed on 23 July 2016.
- 117 Bea Cupin, 'Dela Rosa: PNP 'legally harassed' by De Lima', *Rappler* (online, 11 July 2016), < <http://www.rappler.com/nation/139327-dela-rosa-pnp-harassed-by-de-lima>>, 7.
- 118 Republic of the Philippines Commission on Human Rights, 'Report on Investigated Human Rights Violations Reported in Relation to the Anti-Illegal Drug Campaign', September 2021.
- 119 Ibid., p. 3
- 120 CNN Philippines Staff, "House gives CHR ₱1,000 budget for 2018," CNN Philippines.com, 12 September 2017, <http://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>, accessed on 6 August 2018.
- 121 "National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Philippines," Human Rights Council Working Group on the Universal Periodic Review, 27th Session, 1-12 May 2017, A/HRC/WG.6/27/PHL/1, p. 21.
- 122 "Senate Committee on Finance Adopts the CHR FY2021 Budget", Republic of the Philippines Commission on Human Rights, 16 September 2020.
- 123 Ibid.
- 124 Voltaire Tupas, "General Palparan, 'The Butcher,' arrested in Manila," *Rappler.com*, 12 August 2014, from <https://www.rappler.com/nation/65942-palparan-arrested-manila>, accessed on 6 August 2018.
- 125 Maria Ana Rowena Luz G. Layador, "Falling short in security sector governance (SSG): clans and auxiliaries in the Maguindanao contributing to un-peace?," *Philippine Political Science Journal*, Vol. 36, No. 1 (2015), p. 86.
- 126 Ibid., p. 10
- 127 <https://www.transparency.org/en/cpi/2021/index/phi>
- 128 "The Philippines Corruption Report," *Business-anti-corruption.com*, from <https://www.business-anti-corruption.com/country-profiles/the-philippines/>, accessed on 25 January 2022.
- 129 <https://www.ganintegrity.com/portal/country-profiles/the-philippines/>
- 130 Ibid.
- 131 Ibid.
- 132 "Philippines Competitiveness Rank, 2007-2018," *Tradingeconomics.com*, from <https://tradingeconomics.com/philippines/competitiveness-rank>, accessed on 5 August 2018.
- 133 "Cases for Prosecution, CY 2017," Statistics, Office of the Ombudsman, from <https://www.ombudsman.gov.ph/references/statistics/>, accessed on 6 August 2018.
- 134 Elizabeth Marcelo, "Ombudsman indicts Benigno Aquino III over DAP," 21 June 2018, from <https://www.philstar.com/headlines/2018/06/21/1826601/ombudsman-indicts-benigno-aquino-iii-over-dap#0SAkHu0A30CMwKY2.99>, accessed on 6 August 2018.
- 135 See infographic for 2013-2017, Statistics, Office of the Ombudsman, *ibid*.
- 136 Figures as provided by the Office of the Ombudsman official website and annual reports. See <http://www.ombudsman.gov.ph/transparency-in-government/annual-report/>.
- 137 Based on top 5 government agencies only. See Annual Report 2017, <http://www.ombudsman.gov.ph/wp-content/uploads/2018/07/Annual-Report-2017.pdf>, accessed on 7 August 2018.
- 138 Total for Department of Transportation and Communication (103), Department of Education (100), Department of Environment and Natural Resources (89), Bureau of Customs (84), Department of Public Works and Highways (63), and Department of Agrarian Reform (61).
- 139 Total for Department of Education (172), Department of Environment and Natural Resources (100), Department of Agriculture (77), Department of Finance (73), Department of Agricultural Reform (72), and Bureau of Customs (70)
- 140 Total for Department of Education (222), Department of Environment and Natural Resources (120), and Bureau of Customs (104)
- 141 Department of Budget and Management (194)

142 Total for Armed Forces of the Philippines (199) and Philippine National Police (1258)

143 Total for Armed Forces of the Philippines (182) and Philippine National Police (1265)

144 Total for Armed Forces of the Philippines (201) and Philippine National Police (1,022)

145 Local Water Utilities Administration (LWUA)

146 State Universities and Colleges (SUCs)

147 State Universities and Colleges (SUCs)

148 Total for Metro La Union Water District (200) and Oroquieta City Water District (98)

149 "Poverty in the Philippines: Causes, Constraints and Opportunities," Asian Development Bank, December 2009, from <https://www.adb.org/publications/poverty-philippines-causes-constraints-and-opportunities>, accessed on 5 August 2018.

150 Ibid.

151 "The Next Frontier: Human Development and the Anthropocene – Briefing Note for the Philippines on the 2020", Human Development Report 2020, UNDP.

152 "Human Development for Everyone: Briefing note for countries on the 2016 Human Development Report, Philippines," Human Development Report 2016, UNDP, pp. 2-5; "The Next Frontier: Human Development and the Anthropocene – Briefing Note for the Philippines on the 2020", Human Development Report 2020, UNDP.

153 Ibid., pp. 5-6.

154 Ibid., pp. 7.

155 Gil Dy-Liacco, "Extreme Poverty in the Philippines," USAID, from <https://www.usaid.gov/frontiers/2014/publication/section-1-extreme-poverty-philippines>, accessed on 6 August 2018.

156 Cai Ordinario, "Pervasive political dynasty worsened poverty in PHL," Business Mirror online, 20 August 2015, from <https://businessmirror.com.ph/pervasive-political-dynasty-worsened-poverty-in-phl/>, accessed on 6 August 2018.

157 Ibid.

158 "'Poverty, impunity exists where fat political dynasties thrive,'" ABS-CBN News online, 15 February 2018, from <http://news.abs-cbn.com/focus/02/15/18/poverty-impunity-exists-where-fat-political-dynasties-thrive>, accessed on 6 August 2018.

159 Ibid.

160 Country Reports on Human Rights Practices for 2017, US Department of State, Bureau of Democracy, Human Rights, and Labor, p. 9

161 United Nations Office of the High Commissioner for Human Rights, *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General: the Situation of Human Rights in the Philippines*, UN DOC A/HRC/44/22 (29 June 2020), 6.

162 Ibid.

163 Ibid., p. 3

164 Ibid., pp. 3-4

165 Ibid., p. 9

166 Ibid.

167 Ibid.

168 Ibid.

169 United Nations Office of the High Commissioner, 'UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences' (media release, online, 18 August 2016) < <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388&LangID=E#%20sthash.fozMOPnX.dpuf>>

170 Ibid.

171 Regalado, Edith, 'UN chief a fool, says Duterte' *Philippine Star* (online, 10 September 2016), <<http://www.philstar.com/headlines/2016/09/10/1622321/un-chief-fool-says-duterte>>.

172 Jamaine Punzalan, "'Manigas na kayo': Duterte rejects anew drug war probe by ICC", ABS-CBN News 04 November 2021, available at <https://news.abs-cbn.com/news/11/04/21/duterte-tells-icc-manigas-na-kayo>

173 Reporters Without Borders, 2021 World Press Freedom Index: Philippines, available at <https://rsf.org/en/philippines>, accessed 2 February 2022.

174 Rappler, 'A Bloody Trail: People We Lost Under Duterte', 21 December 2021, available at <https://www.rappler.com/newsbreak/iq/list-drug-war-activists-journalists-lawyers-government-officials-killed-duterte-administration/>, accessed 2 February 2022.

175 Ibid.

176 Jonathan Mayuga, 'Rights Group Switches Focus on Conduct of May Elections', *Business Mirror*, 7 February 2022, available at <https://businessmirror.com.ph/2022/02/07/rights-group-switches-focus-on-conduct-of-may-elections/>

177 Ibid.

178 Rebecca Ratcliffe, 'Typhoon Rai: More than 3m people directly impacted in Philippines', *The Guardian*, 24 December 2021, available at <https://www.theguardian.com/world/2021/dec/23/typhoon-rai-more-than-3m-people-directly-affected-in-philippines>

179 UN Office for the Coordination of Humanitarian Affairs, Philippines: Typhoon Rai/Odette - Flash Update No. 4 (As of 22 December 2021, 9 p.m. local time)

180 World Food Programme, 'Typhoon Rai – Dec 2021 Situation Report', 13 January 2022. Available at <https://reliefweb.int/updates?advanced-search=%28F10%29>

181 International Alert (2021), COVID and conflict dynamics in the Bangsamoro, Philippines, <https://www.international-alert.org/publications/covid-and-conflict-dynamics-bangsamoro-philippines/>

182 Ditte Fallesen, 'How COVID-19 Impacted Vulnerable Communities in the Philippines', *World Bank Blogs*, 10 November 2021, available at <https://blogs.worldbank.org/eastasiapacific/how-covid-19-impacted-vulnerable-communities-philippines>

183 Ibid.

184 International Alert (2021), COVID and conflict dynamics in the Bangsamoro, Philippines, <https://www.international-alert.org/publications/covid-and-conflict-dynamics-bangsamoro-philippines/>