

The Philippines Risk: High/Ongoing

The risk of atrocities in the Philippines remains high despite the new government of President Ferdinand Marcos Jr being sworn in on 30 June 2022. Drug-related killings continue since the new administration took over after Duterte stepped down. For the month of July, there were 41 reported drug related killings and 7 killings in the first week of August. Since 1 January to 7 August this year, there are a total of 197 reported killings related to the drug war.¹ During his first State of the Nation Address to the Philippine Congress in July, Marcos Jr failed to state his government's policy on human rights protection, war against illegal drugs, and peace and order. Some supporters of former President Rodrigo Duterte criticised the new president for failing to state strong support for his predecessor's drug war crusade and campaign to end the local communist insurgency.

For his part, the new chief of the Philippine National Police (PNP) on 8 August said that killing is not the solution to end the war on drugs even as he asserted that his organisation would continue the war on drugs "but will do it by addressing the root of the problem."² He also promised to review the PNP's drug war operations and said that he will seek the help of religious leaders in reforming the police force.³

The new administration is unlikely to allow the International Criminal Court (ICC) to conduct its own investigation even as it prepares to respond to the request in June by the ICC Prosecutor to the pre-trial chamber for a resumption of the drug war related investigation in the Philippines.⁴ The ICC prosecutor has determined that there has been no genuine investigation by Philippine authorities on the drug war under the Duterte administration. On 1 August, Marcos Jr. stated that his government has no intention returning the country as a state party to the ICC even as he asserted that there are also ongoing investigations in the Philippines on the drug-related killings. He also instructed his cabinet officials to carefully study the necessary procedures "to prevent being misinterpreted by the ICC."⁵ However, he failed to address the issue of policemen being involved in drug war killings and accountability for these acts.⁶

Meanwhile, the International Coalition for the ICC in the Philippines expressed its disappointment over Marcos Jr.'s statement about the country not rejoining the international court and asserted that the Office of the Prosecutor should "vigorously pursue the full investigation of the Duterte administration" for alleged crimes against humanity.⁷ For his part, the former spokesman of President Duterte disclosed that the former leader will not cooperate with the ICC probe and would petition the Supreme Court of the Philippines for a restraining order if ever he was served an arrest warrant by the international court.⁸ Accordingly, Duterte will argue that Philippine courts are "able and willing" to prosecute him and that there was no need for the ICC "to interfere in the country's judicial system."⁹

Recommendations:

The Philippines should:

- Uphold the state's primary responsibility to protect by complying with international norms on human rights protection. Specifically, it should hold accountable law enforcers and other members of the security sector for violations of human rights in relation to the war on illegal drugs during the Duterte administration and after.
- Reconsider its position on membership of the International Criminal Court (ICC)
- Permit the Office of the Prosecutor of the ICC to resume its investigation of drug war related killings during the term of President Duterte and cooperate fully with the probe.
- Encourage PNP and Department of Justice to pursue vigorous investigation of killings involving policemen and other law enforcement agents in relation to the drug war and file appropriate criminal charges against them.

¹ Dahas infographics for 4 August and 10 August 2022, from <https://www.facebook.com/up.twsc>, accessed on 11 August 2022.

² Ralph Edwin Villanueva, “PNP Chief On Drug War: Killing Not The Solution; Bato Warns Ninja Cops, Narco-Pols Back,” 8 August 2022, from <https://www.onenews.ph/articles/pnp-chief-on-drug-war-killing-not-the-solution-bato-warns-ninja-cops-narco-pols-back>, accessed on 11 August 2022.

³ Jairo Bolledo, “PNP chief Azurin wants review of drug war, asks Church’s help for cops’ ‘reform’,” Rappler, 4 August 2022, from <https://www.rappler.com/nation/pnp-chief-azurin-wants-review-drug-war-church-help-police-reform/>, accessed on 11 August 2022.

⁴ Lian Buan, “ICC prosecutor wants to resume probe into Duterte drug war,” Rappler, 24 June 2022, from <https://www.rappler.com/nation/international-criminal-court-prosecutor-wants-resume-probe-duterte-drug-war/>, accessed on 11 August 2022.

⁵ “PH has no intention of rejoining ICC—Marcos,” CNN Philippines, 1 August 2022, from <https://www.cnnphilippines.com/news/2022/8/1/Marcos-PH-not-rejoining-ICC.html>, accessed on 11 August 2022.

⁶ Ibid.

⁷ “Rights group asks ICC to continue drug war probe,” Business World, 4 August 2022, from <https://www.bworldonline.com/the-nation/2022/08/04/466205/rights-group-asks-icc-to-continue-drug-war-probe/>, accessed on 11 August 2022.

⁸ “Roque: Duterte has plan for blocking ICC arrest,” Inquirer.net, 3 August 2022, from <https://newsinfo.inquirer.net/1639731/roque-duterte-has-plan-for-blocking-icc-arrest>, accessed on 11 August 2022.

⁹ Ibid.