



Philippines: Joint statement: UN Human Rights Council should urgently launch an independent international investigative mechanism on the human rights situation in the Philippines

*** Joint statement (for the full list of signatories, please see: <https://bit.ly/34BYIUN>),***

To member and observer States of the United Nations Human Rights Council

Geneva, 27 August 2020

Your Excellency,

We, the undersigned civil society organizations, write to express our continued grave concern over ongoing extrajudicial executions and other serious human rights violations in the context of the "war on drugs" in the Philippines, which continues to be fueled by incitement to violence and discrimination by the highest levels of government with near-total impunity. We urge your delegation to ensure that the United Nations Human Rights Council (HRC) responds robustly to the recent report on the situation in the Philippines by the UN High Commissioner for Human Rights when it convenes for its upcoming 45th session. Specifically, we urge you to actively work towards the adoption of a resolution establishing an independent international investigative mechanism on extrajudicial executions and other human rights violations committed in the Philippines since 2016, with a view to contributing to accountability. This would be in line with clear calls by the UN High Commissioner for Human Rights, a group of Special Procedures, the Commission on Human Rights of the Philippines, and national and international civil society.

The UN High Commissioner for Human Rights' report on the Philippines, published on June 4, 2020, emphasized the need for "independent, impartial and effective investigations into the killings." [1] On June 25, mandate holders from 23 Special Procedures reiterated a previous call from 2019 for the HRC to "establish an on-the-ground independent, impartial investigation into human rights violations in the Philippines." [2] The Commission on Human Rights of the Philippines, during the interactive dialogue on the Philippines at the 44th session of the HRC, called on the HRC to consider options for international accountability measures. [3] National, regional, and international civil society groups have also repeatedly called for an international investigation. The human rights situation in the Philippines meets the *objective criteria* or "guiding principles" supported by a large cross-regional group of States at the HRC to help the Council decide, in an objective and non-selective manner, when it should take action on the human rights situation in particular countries. The annex to this letter provides details of the status of the Philippines under each criterion.

Since President Rodrigo Duterte assumed office in June 2016, the human rights situation in the Philippines has undergone a dramatic decline. Extrajudicial executions committed in the context of the "war on drugs" continue to take place with total impunity. The High Commissioner's report found, in line with previous findings from civil society, that the killings related to the anti-drug campaign were "widespread and systematic," and that at least 8,663 people had been killed, with other estimates, including from the Commission on Human Rights of the Philippines, of more than triple that number.

Attacks against human rights defenders and critics of the government - including activists, journalists, church leaders, trade union leaders, indigenous and peasant leaders and individuals who are members of groups affiliated with the political left - are frequent and persistent. Human rights defenders who have spoken out in the HRC against the "war on drugs" and other human rights violations have faced reprisals from the government. The Office of the UN High Commissioner for Human Rights (OHCHR) "verified the killings of 208 human rights defenders, journalists and trade unionists, including 30 women, between January 2015 and December 2019." [4] More recently on 17 August gunmen shot dead Zara Alvarez, a legal worker for the human rights group Karapatan, and on 10 August assailants brutally murdered Randall Echanis, a leader of the peasant group Anakpawis and longtime activist.

The OHCHR also found that civil society organizations and the media faced constant intimidation, police raids, arbitrary arrests, criminal charges and prosecutions, and shutdowns.[5] In June 2020, a Manila court convicted for libel journalists Maria Ressa and Reynaldo Santos Jr., both of the news website *Rappler*, which had been the subject of long-running harassment and threats from the Duterte government because of its reporting on the anti-drug campaign. Most recently, in early July, the Philippine Congress - most of whose members are allied with President Duterte - voted to deny the renewal of the broadcast franchise of *ABS-CBN*, the country's largest TV and radio network, after years of explicit threats from President Duterte in part because of its critical reporting on the "war on drugs." The recently passed Anti-Terrorism Law will institutionalize the government's abuse of power and will create an environment in which attacks on civil society and media will be perpetuated. In his 2020 State of the Nation Address, President Duterte once again reiterated his intention to reimpose the death penalty. Bills to reintroduce the punishment are currently being reconsidered before Congress.

To date, there has been virtually no accountability for unlawful killings committed by police and their associates or for the other above-mentioned violations. As noted in the High Commissioner's report, "persistent impunity for human rights violations is stark and the practical obstacles to accessing justice within the country are almost insurmountable." [6] Families of victims express total helplessness in describing their inability to obtain justice for their loved ones, citing the enormous obstacles to filing cases, the continued difficulty of obtaining police or autopsy reports, and the immense fear of retaliation they experience. The climate of total impunity leaves police and other unidentified gunmen, widely believed to be associated with law enforcement agencies, able to commit further extrajudicial executions without consequence.

President Duterte's administration has undermined institutions that have attempted to address impunity at the national and international level and thwarted independent investigations, including in the Senate and the House of Representatives. The government's withdrawal from the International Criminal Court, following the 2018 launch of a preliminary examination into crimes against humanity allegedly committed by the Philippine government in the context of the "war on drugs," shows yet another way in which the authorities have sought to evade accountability.

Not only has the government sought to evade accountability, but the President and other high-level officials have continued to encourage killings and given assurances to perpetrators that they would enjoy impunity for such killings.[7] The High Commissioner's report found that rhetoric from the highest levels of the government has been pervasive and deeply damaging, and that "some statements have risen to the level of incitement to violence." [8]

During the interactive dialogue at the 44th session of the HRC, the Philippine Justice Secretary announced the creation of a government panel to review more than 5,600 cases of alleged extrajudicial killings in the country.[9] Unfortunately, the Philippine government has failed to ensure this panel will be independent or impartial, notably because it will be led by the Department of Justice and will have among its members the very agencies - including the Philippine National Police and the Philippine Drug Enforcement Agency - accused of being behind these human rights violations and directly implicated in the "war on drugs." Any review findings by the panel must also be evaluated and finalized by other government agencies involved in the anti-drug campaign. The well-documented fears of retaliation experienced by victims and their families in the Philippines will further undermine the credibility of government-led reviews. Accordingly, it is our organizations' assessment that this panel is the latest attempt by the Duterte administration to evade international scrutiny for violations rather than a sincere attempt to put an end to these human rights violations and foster national accountability.

The HRC resolution A/HRC/41/2 on the Philippines adopted in July 2019 was an important first step to address the concerning human rights situation in the country, but a more robust response is necessary to deter further killings and other human rights violations and ensure a measure of accountability. In the absence of further Council action, the Philippine government will likely be emboldened to continue and escalate its violent anti-drug campaign and other serious rights violations, including reprisals against human rights defenders and civil society organizations, while the pervasive fear among victims and their families will only increase. Given the failure of the Philippine authorities to stop or effectively investigate crimes under international law and punish those responsible, we urge your delegation to work towards the adoption of a resolution to ensure that the Philippines remains on the agenda of the HRC and to create an independent, impartial, and effective investigation into extrajudicial executions in the context of the "war on drugs" and other human rights violations committed since 2016. The creation of such a mechanism is the only credible next step that the HRC can take to address the ongoing human rights crisis in the Philippines.

With assurances of our highest consideration,

For the full list of signatories, please see: <https://bit.ly/34BYIUN>

[1]Report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines, UN Doc. A/HRC/44/22, 4 June 2020, paras 85 & 88.

[2]UN Special Procedures joint statement on the Philippines, 25 June 2020: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>

[3]Statement of the Philippines Commission on Human Rights on the UN OHCHR Report on the Human Rights Situation in the Philippines: <http://chr.gov.ph/statement-of-the-commission-on-human-rights-on-the-un-ohchr-report-on-the-human-rights-situation-in-the-philippines/>

[4]OHCHR Report, 4 June 2020, para 50.

[5]OHCHR Report, 4 June 2020, paras 49-59, and para 83.


[6]OHCHR report, 4 June 2020, para 83.

[7]In his 4th State of the Nation Address on 27 July 2020, President Duterte used human rights language to justify his war on drugs and violations seen under his administration. The President also threatened to kill suspected drug offenders, warning that he will be the enemy of criminals who harm the public, saying "bodies will pile up" if they "return to their ways." In this context, the announcement that the Government will launch a domestic investigation at HRC44 lacks any kind of credibility.

[8]OHCHR Report, 4 June 2020, para 77.

[9]https://www.rappler.com/nation/265308-duterte-administration-creates-panel-probe-deaths-police-operations?utm_source=twitter&utm_medium=social

Attachments

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