

Honourable Karim A. A. Khan QC

Prosecutor

The Office of the Prosecutor

International Criminal Court

Oude Waalsdorperweg 10, 2597 AK Den Haag, Netherlands

24 November 2021

ICC urged to resume its investigation into alleged crimes against humanity in the Philippines

To ICC Prosecutor Karim A. A. Khan

We, human rights organisations working on the Philippines, call on your office to resume its investigation into alleged crimes against humanity, in relation to the country's 'war on drugs'.

In its 10 November 2021 letter, the Philippine Government raised issues of complementarity, citing that it has domestic mechanisms in place to investigate the killings. However, we reiterate concerns that of an estimated tens of thousands killed in the 'war on drugs', only a small number were covered in the review of documents by the country's Department of Justice. Of these cases, the Justice Department cited only procedural errors, and most police officers involved in human rights violations merely received suspensions, raising concerns on the Philippines' commitment to justice.

The government likewise refuses to investigate the national policy landscape that enabled these killings, including the National Police Commission's Memorandum Circular, which launched Operation Double Barrel, implementing the President's 'war on drugs'. On this account, the highest officials most responsible for the widespread human rights violations are escaping official domestic investigations.

The Philippines' human rights record speaks for itself. There has only been one criminal conviction out of the huge number of estimated extrajudicial killings. The government continues to refuse to work with the National Human Rights which has done intensive investigations into many cases of such killings.

To date, there has been no independent body established and relatives of victims remain fearful of reprisals should they cooperate with independent investigations.

The country's President has incited violence against his critics while assuring protection to the police officers involved in the 'war on drugs'. In light of this, what we see is a government that has used domestic mechanisms only to shield perpetrators from international accountability.

We reiterate that the ICC investigation has wider implications beyond the Philippines. When the investigation was announced, it sent a message of hope to victims in the country and across the region where people continue to face State-sponsored violence. Civil society had hoped that the ICC would serve as a deterrent to human rights atrocities perpetrated by many authoritarian leaders across Asia. However, an order of deferment may be used to incite a disregard for international accountability.

We have, over the past five years, documented cases of extrajudicial killings, enforced disappearances, and other crimes against humanity. We work with victims, who, until this day, are afraid to speak because of the real threat of reprisals. The 'war on drugs' has expanded into a war on civic space and a war against its people, where critics and civil society opposing the 'war on drugs' have been systematically targeted.

As perpetrators of these violations once again try to take power in the coming 2022 national elections, any deferment poses risks that this cycle of impunity will only continue.

The ICC was established to provide justice to victims of the gravest violations. We remain committed in supporting the Court in the pursuit of this mission.

Signatories

Asian Forum for Human Rights and Development (FORUM-ASIA)

BALAOOD Mindanaw

CIVICUS: World Alliance for Citizen Participation

Karapatan Alliance Philippines

DAKILA - Philippine Collective for Modern Heroism

Human Rights Online Philippines (HRonlinePH)

In Defense of Human Rights and Dignity Movement (iDefend)

LILAK (Purple Action for Indigenous Women's Rights)

Philippine Alliance of Human Rights Advocates (PAHRA)

Philippine Human Rights Information Center (PhilRights)

Task Force Detainees of the Philippines (TFDP)